

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83910 of 2025

Arising Out of PS. Case No.-294 Year-2025 Thana- HASPURA District- Aurangabad

Sanjay Chaudhary @ Sanjay Chaudhari S/o Bineshwar Chaudhary R/o
Village - Koilwan Tole, Raghunath Bigha, P.S- Haspura, District -
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate
For the State : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Haspura P.S. Case No. 294 of 2025 for the offence under sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, lodged on 11.10.2025 by the informant, Suryadev Singh Yadav.

3. As per the prosecution story, the Police raided the house of the Sanjay Chaudhary (petitioner herein) and Kanhai Chaudhary and there is recovery/seizure of 250 liter country made liquor from the house of Sanjay Chaudhary beside the liquid to be used for preparing the liquor. From the house of the Kanhai Chaudhary there is/are recovery/seizure of beside the gas cylinder 70 liter country made liquor beside 3500 liter Mahua solution which was destroyed. This led to the FIR.

4. Learned counsel for the petitioner submits that so far as the petitioner Sanjay Chaudhary is concerned,



recovery/seizure is from an open courtyard and not from conscious possession, he do not have criminal antecedent and the last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.15,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Aurangabad for the purchasing of flower pots/sanitary vending machine whichever is required in the Sub-Divisional Court Campus, Daudnagar (Aurangabad).

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that though courtyard, it was in the house of the petitioner.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as



also that nothing has been recovered from his conscious possession, rather from an open place, this petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs.15,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Aurangabad for the purchasing of flower pots/sanitary vending machine whichever is required in the Sub-Divisional Court Campus, Daudnagar (Aurangabad) and the receipt of the expenditure shall be submitted to the Trial Court by the District Legal Services Authority, Aurangabad.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court No.-II, Aurangabad in connection with Haspura P.S. Case No. 294 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. Let a copy of the order be communicated to the learned Principal District & Sessions Judge, Aurangabad for perusal and needful.

(Rajiv Roy, J)

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