

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87029 of 2025

Arising Out of PS. Case No.-435 Year-2025 Thana- RAFIGANJ District- Aurangabad

Ashok Kumar Chaudhary @ Ashok Choudhary S/O Ganesh Chaudhary R/O
Vill.- Sabji Market, Bara, P.O.- Guraru, P.S.- Guraru, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-12-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 30(c) and 30(d) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of four cases and all the cases are under the excise act and allegation is of recovery of 10 liters of liquor from the house of Ashish along with 20 kgs of Mahua flower and 10 liters of liquor from the house of the petitioner.
4. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and the house in question is a joint family property, as such, it cannot be alleged



with certainty that it was petitioner who had kept the liquor in the house or the liquor kept in the house was within his knowledge and he came to be implicated at the instance of *Chowkidar*, but then it is submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of *Chowkidar*, local person, confessional statement or secret information without holding a proper investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Rafiganj P.S. Case No. 435 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and



in the event if it is found that petitioner has antecedent of more than four cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of four cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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