

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86440 of 2025

Arising Out of PS. Case No.-358 Year-2025 Thana- UDAKISHUNGANJ District-
Madhepura

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1. Sundar Chaudhary @ Surendra Chaudhary @ Surend Chaudhari S/o Baleshwar Chaudhary R/o Village - Karauti Bazar, Ward no. 09, P.S - Udakishunganj, District - Madhepura
 2. Chhotu Chaudhary @ Pankaj Chaudhary @ Pankaj Kumar S/o Domi Chaudhary R/o Village - Karauti Bazar, Ward no. 09, P.S - Udakishunganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 18-12-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioner are apprehending their arrest in connection with Udakishunganj P.S. Case No.358 of 2025, F.I.R dated 12.10.2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution case, on 12.10.2025, acting on secret information, police raided the house of Sintu Chaudhary. Four persons fled from the spot and were identified by locals as Sintu Chaudhary, Sundar Chaudhary, Santosh



Chaudhary, and Chhotu Chaudhary. Upon search, 51 litres of country-made liquor were recovered from bushes behind the house and seized in presence of independent witnesses, leading to registration of the FIR against the petitioners and others.

4. Learned counsel for the petitioners submits that the place of recovery is from an open space, which is accessible to all. The name of the petitioners have transpired on the basis of secret information given by local villagers while the seized liquor is said to have been recovered from the bushes behind the house of Sintu Chaudhary, who is in no way connected to the petitioner. The petitioners have clean antecedent and there is no independent witness to the seizure list, thereby violating the provisions of search and seizure under Section 103 of the B.N.S.S.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioners and name of the petitioners has transpired on the basis of secret information given by local villagers while the seized liquor is said to have



been recovered from the bushes behind the house of Sintu Chaudhary, who is in no way connected to the petitioner, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioners, above named, be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-V-cum-Special Judge Excise-1, Madhepura, in connection with Udakishunganj P.S. Case No.358 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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