

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88031 of 2025

Arising Out of PS. Case No.-392 Year-2025 Thana- MADHUBAN District- East Champaran

RAJENDRA CHAUDHARY Son of Late Ramswaroop Chaudhary Resident
of Village - Jitaura, P.S.- Madhuban, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-12-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Madhuban P.S. Case No. 392 of 2025 instituted under Sections 30(a) of the Bihar Prohibitionn and Excise Act lodged on 23.10.2025 by the informant, Mukesh Kumar Singh.

3. As per the prosecution story, the police on secret information, reached the place and there is recovery/seizure of 25 liters of country made liquor . This led to the FIR.

4. Learned counsel for the petitioner submits that



nothing has been recovered from his conscious possession, the recovery/seizure is from an open place, he do not have criminal antecedent.

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 of 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 the Chowkidar named him.

7. Considering the submissions of the parties as also and the judgment of **Ram Vinay Yadav (supra)**, nothing has been recovered from his conscious possession, he has no criminal antecedent, in that background this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court 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



the like amount each in connection with Madhuban P.S. Case No. 392 of 2025 to the satisfaction of learned Excl. Spl. Excise Court No.3, Civil Court, East Champaran at Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 fortnight for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of 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.

(Rajiv Roy, J)

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