

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2572 of 2026

Arising Out of PS. Case No.-443 Year-2025 Thana- MASHRAK District- Saran

Rajendra Chaudhary @ Rajendra Chaudhari S/o Late Raghunath Chaudhari
R/o Village - Sikti Bhikham, Police station - Mashrakh, District - Saran
Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-01-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Sri Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the petitioner has antecedent of five cases under the Excise Act and allegation is of recovery of 37 litres of liquor from a paddy field of Bachendra Chaudhary and from a land attached to the house of the petitioner and 1910 litres of semi-manufactured liquor was destroyed at the spot.
4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was



recovered from his conscious possession and he has no direct connection with Bachendra Chaudhary and the land from where the semi-manufactured liquor was recovered does not belong to the petitioner, but then is adjacent to his house as such he came to be implicated based on secret information which is the easiest way to implicate someone. It is further 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. 25,000/- (Rupees Twenty-five 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 Mashrakh (Mashrak) P.S. Case No. 443 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 five 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 five cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, the learned counsel for the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs. 5,000/- with Advocates' Association, Patna High Court.

(Satyavrat Verma, J)

Sumit/-

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