

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2803 of 2026

Arising Out of PS. Case No.-42 Year-2025 Thana- HALSI District- Lakhisarai

Chunchun Chaudhary Son of Late Budhan Chaudhary Resident of Village -
Manpur, P.S.- Halsi, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-01-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of Bihar Prohibition and
Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases under the Excise Act and
allegation is of recovery of 12 litres of liquor from house of the
petitioner. It is next submitted that petitioner was not arrested
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 after amendment in the



Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with 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 through chowkidar, local person, confessional statement or secret information without holding a proper investigation. It is also submitted that petitioner is in custody since 08.12.2025.

4. Learned A.P.P. opposes the prayer for bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten 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 Halsi P.S. Case No.42/2025.

(Satyavrat Verma, J)

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