

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6430 of 2026

Arising Out of PS. Case No.-3 Year-2026 Thana- LAURIA District- West Champaran

1. Rupesh Kumar @ Rahul Kumar S/O Santosh Chaudhary @ Santosh Chaudhari R/O Village- Pakari Nuniya Tola, P.S- Lauriya, District- West Champaran.
2. Sanjay Kumar @ Nanak S/O Bhual Chaudhary @ Bharat Bhuwal Chaudhary @ Bharat Bhwaal Chaudhari @ Bharat Bhual Chaudhary R/O Village- Pakari Nuniya Tola, P.S- Lauriya, District- West Champaran.
3. Ranjeet Chaudhary @ Tahalu Chaudhary @ Ranjeet Kumar S/O Mahanth Chaudhary @ Mahant Chaudhari R/O Village- Pakari Nuniya Tola, P.S- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-02-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 274, 275 and 3(5) of the BNS, 2023 read with Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 have antecedent of two cases under the excise act and petitioner no. 3 is a person with clean antecedent and allegation is of recovery of 140 liters of liquor from a bag from a place near a river.



4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to villagers at large and they came to be implicated at the instance of Chowkidar, but then it is submitted that if Chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also 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 petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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. 10,000/- (Rupees Ten Thousand) each 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 Lauriya P.S. Case No. 03 of 2026 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 petitioners and in the event if it is found that petitioner nos. 1 and 2 have antecedent of more than two cases and petitioner no. 3 has antecedent of even one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner nos. 1 and 2 have antecedent of two cases only and petitioner no. 3 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, the learned counsel for the petitioners, based on instruction, undertakes to deposit an amount of Rs. 5000/- with Laweyers' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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