

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10126 of 2026

Arising Out of PS. Case No.-375 Year-2025 Thana- DAWATH District- Rohtas

1. Santosh Singh, aged about 38 years, Male, Son of Tufani Singh, Resident of Village- Bidadhi, P.S.- Dawath, District- Rohtas at Sasaram.
2. Sanjay Chaudhary, aged about 38 years, Male, Son of Teshlal Chaudhary, Resident of Village- Tilakpura, P.S.- Suryapura, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Dawath P.S. Case No. 375 of 2025 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, total 20 litres of country made Mahua liquor has been recovered from the open field.

4. Learned counsel for the petitioners submits that petitioners are innocent have committed no offence and have falsely been implicated in this case. He submits that petitioner no. 1 has two criminal antecedent rather petitioner no. 2 has got clean antecedent as stated in para 3 of the petition. He further



submits that the petitioners have been implicated in this case only on the basis of disclosure of the village Chowkidar. He next submits that nothing has been recovered from the conscious possession of the petitioners and the said illegal liquor has been recovered from the open field. He lastly submits that the occurrence took place in the village at about 15:30 P.M. but the villagers were not made seizure list witnesses in this case, so it raises serious doubts. Petitioner no. 1 has got two criminal antecedents but petitioner no. 2 has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Judge, Excise Court No. 1, Rohtas at Sasaram dated 16.01.2026, it appears that on the basis of written report of the informant, namely Ravi Ranjan Kumar, FIR has been registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 against two accused persons, all are petitioners. It also appears that total 20 litres of country made Mahua liquor has been recovered from the open field. Petitioners are not arrested at the spot. It also appears that petitioner no. 2 has got clean antecedent as stated in



para 3 of the petition, so considering all these aspects of the case and submission of learned counsel for the petitioners, I am inclined to grant anticipatory bail only petitioner no. 2, namely Sanjay Chaudhary.

7. Accordingly, let the petitioner no. 2, namely Sanjay Chaudhary in the event of his arrest or surrender before the trial Court within six weeks from today, be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No.1, Rohtas at Sasaram in connection with Dawath P.S. Case No. 375 of 2025, subject to the conditions laid down in Section 482(2) of the BNSS.

8. So far as petitioner no.1, namely Santosh Singh is concerned, he has two criminal antecedents prior to this case which belongs to the similar nature of offence, so in this circumstances, I am not inclined to grant anticipatory bail to the petitioner no. 1, namely Santosh Singh and his prayer for anticipatory bail stands rejected.

(Ramesh Chand Malviya, J)

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