

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8921 of 2026

Arising Out of PS. Case No.-16 Year-2026 Thana- HASPURA District- Aurangabad

Umesh Chaudhary @ Rocky Kumar @ Rocky S/O Tapeswar Chaudhary @
Pateswar Chaudhary Resident of -Koilwan Tola, Raghunathpur Bigha, P.S-
Haspura, Dist.- Aurangbad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adarsh Singh, Advocate

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Haspura P.S. Case No. 16 of 2026, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution-case, there is alleged recovery of 160 litre illicit country-made liquor from the bush of Sheesam tree and local Chowkidar disclosed the name of the petitioner who is said to have fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as



alleged in the F.I.R. He further submits that because of having criminal antecedent of two cases, as mentioned in para-3 of the petition, petitioner has been falsely implicated in the present case without any basis. Except suspicion, there is nothing on record to connect the petitioner with the alleged occurrence and place of recovery is an open place and anyone can place illicit liquor at the said place. As such, petitioner cannot be held liable for the alleged recovery. In light of the aforesaid facts and circumstances, no offence, as alleged in the F.I.R., is made out against the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that petitioner is named in the F.I.R. and he cannot escape from the allegations made in the F.I.R.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 anticipatory bail on furnishing bail-bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned Special Judge Excise Court No. II, Aurangabad, Bihar in connection with Haspura P.S. Case No. 16 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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