

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10140 of 2026

Arising Out of PS. Case No.-204 Year-2025 Thana- SAHPUR District- Bhojpur

Prem Sagar Chaudhary, aged about 27 years, Male, Son of Vakil Chaudhary,
Resident of Village- Tikapur, Police Station- Bahoranpur, District- Bhojpur
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

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

2. The petitioner apprehends his arrest in connection
with Shahpur P.S. Case No. 204 of 2025 instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. As per allegation in the FIR, total 5.22 liters of
foreign illegal liquor has been recovered in a bag from a
motorcycle bearing Registration No. BR-03AL-4894 and the
petitioner is the registered owner of the said motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case only on the basis of suspicion. He further submits that
petitioner is a registered owner of the said motorcycle bearing



Registration No. BR-03AL-4894. He further submits that petitioner has not committed any offence as alleged in FIR, rather his name has been transpired in the instant case only because he is the registered owner of the said motorcycle. He next submits that the petitioner was not apprehended from the place of occurrence and nothing has been recovered from the conscious possession of the petitioner. He lastly submits that the petitioner gave the motorcycle to his friend namely Dharmendra Yadav and he has no knowledge that his friend misuse the vehicle. He again submits that neither the petitioner has any connection with the alleged seized liquor nor he has involved in the business of the illicit liquor. Petitioner has got one criminal antecedent of the same nature.

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

6. From perusal of the FIR and also perused the impugned order dated 22.01.2026 passed by the learned Exclusive Special Excise Court No.2nd, Bhojpur at Ara, it appears that on the basis of written report of the informant, namely Surendra Manjhi, Sub-Inspector of Police, FIR has been registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 against two accused persons. It



also appears that one person carrying a bag and riding on a motorcycle bearing Registration No. BR-03AL-4894 in which recovery of 5.22 liters foreign illegal liquor has been found and the motorcycle belongs to the present petitioner, who is the registered owner and the recovery is total 29 bottles contains 180 ml each, which is 5.22 liters and the petitioner also admitted that the vehicle belongs to him, so considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the petitioner as well as gravity of offence and the involvement of the petitioner in the alleged commission of offence, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the application for anticipatory bail of the petitioner stands rejected.

(Ramesh Chand Malviya, J)

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