

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14395 of 2026

Arising Out of PS. Case No.-563 Year-2025 Thana- CHAPRA MUFFASIL District- Saran

Kanhaiya Chaudhari @ Kanhaiya Chaudhary @ Lalu Chaudhari S/o
Rambabu Chaudhary R/o vill - Lal Bazar, Maharajganj, P.S.- Chapra
Mufassil, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raushan Raj, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-03-2026 Heard learned counsel for the petitioner and Mr.
Chandra Bhushan Prasad, learned APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of
recovery of 18.78 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 with whom he is on an inimical term.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bond in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Excise Judge, Saran at Chapra in connection with Chapra Mufassil P.S. Case No.563 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bond of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than one case, then



it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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