

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17548 of 2026

Arising Out of PS. Case No.-150 Year-2025 Thana- RASULPUR District- Saran

Munna Chaudhary Son of Late Raghunath Chaudhary Resident of Village -
Benaut, P.S.- Rasoolpur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Mohan Tripathi

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act in connection with Rasulpur P.S.Case No. 150 of 2025.

3. As per the prosecution case, the police in course of patrolling, received a confidential information regarding illegal trade of illicit liquor by the petitioner and another. The police then rushed to the place of occurrence and chased the accused persons, who fled away. The name of the petitioner was disclosed by the *Chaukidar* and local people.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. The petitioner was not apprehended on the spot and nothing was recovered from his conscious physical possession.

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

6. The petitioner was not apprehended at the spot and therefore, no recovery has been made from the conscious physical possession of the petitioner. The petitioner has got two criminal antecedents, which have been disclosed by the petitioner in para-3 of the bail application. Also from perusal of the search and seizure memo, it appears that independent witnesses have not signed the same, casting a doubt over the validity and legality of the seizure itself.

7. Considering all these facts and circumstances of the case, I am inclined to grant privilege of anticipatory bail to the petitioner.

8. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.2, Saran at Chapra in connection with Rasulpur



P.S.Case No. 150 of 2025, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) the petitioner shall co-operate in the investigation/ trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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