

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15869 of 2026

Arising Out of PS. Case No.-217 Year-2025 Thana- BELSAND District- Sitamarhi

1. Santosh Kumar Chaudhary @ Santosh Chaudhary S/o- Late Shivdeep Chaudhary Resident of village- Basaul ward no 04, Ps- Belsand District- Sitamarhi Bihar
2. Vijay Kumar @ Vijay Chaudhary S/o- Late Saheb Chaudhary Resident of village- Basaul ward no 04, Ps- Belsand District- Sitamarhi Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-03-2026 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Belsand P.S. Case No.217 of 2025 dated 21.11.2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act pending before the Court of Special Judge, Exclusive Excise Court-2, Sitamarhi.

3. As per the prosecution, the total recovery of 25 litres of illicit country liquor have alleged to be made, which is the subject matter of the present case.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence.



Counsel also submits that petitioners were not present on the place of occurrence and their name has been transpired only on suspicion. Counsel further submits that criminal antecedent of the petitioners is not clean as there is one criminal case (relating to excise matter) pending against them in which they are on bail.

5. Counsel further submits that the recovery has not been made in conscious possession of the petitioners.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there is one criminal case pending against them and this aspect must be taken into consideration.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

8. However, trial court is directed to consider the regular bail application of the petitioners, if they surrender within 6 weeks from today and prays for regular bail, then trial court shall pass order on merit without being prejudice of the present order.

(Dr. Anshuman, J)

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