

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14885 of 2026**

Arising Out of PS. Case No.-846 Year-2025 Thana- GARKHA District- Saran

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1. Ohila Devi @ Ahilya Devi @ Ohila Kuwar Wife of Late Ashok Choudhari Resident of Village- Mithepur, Baniyawa Tola, P.S.- Garkha, District- Saran
  2. Lakshman Choudhary Son of Henda Choudhary Resident of Village- Mithepur, Baniyawa Tola, P.S.- Garkha, District- Saran
  3. Krishna Choudhary Son of Henda Choudhary Resident of Village- Mithepur, Baniyawa Tola, P.S.- Garkha, District- Saran
  4. Rakesh Choudhary @ Rakesh Chaudhari Son of Jainarayan Chaudhari Resident of Village- Mithepur, Baniyawa Tola, P.S.- Garkha, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Surendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      13-03-2026                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioners submits that petitioners no.1, 2 and 3 have antecedent of one case under the Excise Act and petitioner no.4 has antecedents of two cases under the Excise Act and petitioner no.1 is a woman and allegation is of recovery of 180 litres of liquor from house of



four different accused-petitioners. It is next submitted that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and the house in question is a joint family property, as such, it cannot be alleged with certainty that it were petitioners who had kept the liquor in the house or the liquor kept in the house was within their 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 the petitioners came to be implicated at the instance of Chowkidar with whom they are on inimical terms. It is also submitted that if Chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution.

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

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Exclusive Special Excise Judge, Saran at Chapra in connection with Garkha P.S. Case No.846 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 bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners no.1, 2 and 3 have antecedent of more than one case and petitioner no.4 has antecedent of more than two cases, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 petitioners no.1, 2 and 3 have antecedent of only one case and petitioner no.4 has antecedent of only two cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

*Sanjay/-*

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