

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16918 of 2026

Arising Out of PS. Case No.-13 Year-2026 Thana- Manuapul District- West Champaran

=====

Krishna Chaudhary Son of Motilal Chaudhary R/o Village - Patarkha, Ward
no. 5, Tola Bishunpur, P.S. - Manuapur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Niraj Kumar Sharma
For the Opposite Party/s : Mr.Nand Kishore Prasad

=====

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 apprehend his arrest in connection
with Manuapul P.S. Case No. 13 of 2026, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
& Excise Act.

3. On a secret information, the police party raided the
place of occurrence and recovered 35 liters of country-made
liquor from the bamboo grove. Seeing the police party, the
petitioner fled away.

4. The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated.
Nothing has been recovered from his conscious physical
possession. The allegation against him is general and omnibus.



5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Although there is one criminal antecedent against the petitioner, as disclosed in paragraph-3 of the application, it appears that the petitioner was not apprehended on the spot and therefore no recovery has been made from his conscious physical possession. The recovery has been made from an open field of bamboo grove. Further, taking note of the fact that the search and seizure memo has not been signed by two independent witnesses, thereby putting a question mark on the legality and validity of the seizure itself, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. 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 learned Special Judge, Excise Court-I, Bettiah, West Champaran in connection with Manuapul P.S. Case No. 13 of 2026, 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 petitioners shall co-operate in the investigation/ trial.

(ii) The learned Court below would, however, verify the criminal antecedent of the petitioners and in case it is found that the petitioners have 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)

kundan/-

U		T	
---	--	---	--

