

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19004 of 2026

Arising Out of PS. Case No.-710 Year-2025 Thana- KATEYA District- Gopalganj

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1. Awadhesh Chauhan S/o- Jawahir Chauhan R/v- Kuisa Khurd @ Kuisa Ps- Kateya Dist- Gopalganj
 2. Guddu Sah S/o- Harikesh Sah R/v- Kuisa Khurd @ Kuisa Ps- Kateya Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Pratap, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-04-2026 Heard Mr. Tej Pratap, learned counsel appearing on behalf of the petitioners and Mr. Rajendra Prasad Nat, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Kateya P.S. Case No. 710 of 2025 registered under Sections 30(a) of the Bihar Prohibition and Excise Act, as amended upto date.

3. As per the allegation made in the FIR, 162 litres of illicit liquor was recovered from five sacks.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioners are innocent and have been falsely implicated in the case. They have no concern either



with the seized liquor or trade of liquor in any manner. No independent witness supported the prosecution case and nothing has been recovered from the conscious possession of the petitioners. The implication of the petitioners is solely based on the confession of a co-accused before the police, which has no evidentiary value in the eye of law. On these grounds, petitioners seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, upon perusal of the materials available on record, this Court finds that the implication of the petitioners is primarily based on the alleged disclosure statement of a co-accused and no recovery has been made from the conscious possession of the petitioners. There is no independent witness to support the prosecution case. I am of the opinion that the petitioners have, *prima facie*, made out a case to be released on pre-arrest bail

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending/successor court in connection with Kateya P.S. Case No. 710 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C./ 482 of the BNSS.

8. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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