

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20757 of 2026

Arising Out of PS. Case No.-16 Year-2026 Thana- UPHARA District- Aurangabad

1. Manoj Chaudhari Son of Sat Narayan Chaudhari Resident of Village- Hamid Nagar, P.S.- Uphara, District- Aurangabad
2. Upendra Chaudhari @ Doman Chaudhari @ Upendra Kumar Chaudhari Son of Krishna Chaudhari Resident of Village- Hamid Nagar, P.S.- Uphara, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindeshwar Prasad Singh, Advocate
For the State	:	Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-04-2026

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Uphara P.S. Case No. 16 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 04.02.2026 by the informant, Mahesh Kumar Paswan.

3. As per the prosecution story, the informant alleged that on secret informant, the place was raided, the locals gave the name of the persons who upon sight of the Police threw the bag and escaped as these two petitioners and from their respective bags, there is recovery/seizure of 9 liters and 6 liters totaling 15 liter country made liquor. This led to the FIR.



4. Learned counsel for the petitioners submits that nothing have been recovered from their conscious possession and only because both have criminal antecedent, the locals named him.

5. Further, learned counsel for the petitioners relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that upon sight of the Police they threw the bags and escaped.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the stand that nothing have been recovered from their conscious possession, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the



receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise-2, Aurangabad in connection with Uphara P.S. Case No. 16 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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