

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22550 of 2026

Arising Out of PS. Case No.-64 Year-2026 Thana- RAJGIR District- Nalanda

=====

Bipin Chaudhary S/O Balam Chaudhary @ Blam Choudhary R/o Vill.-
Chamardiha, Ward No.13, P.S - Rajgir, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Surendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-04-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases under the Excise Act and
allegation is of recovery of 21.400 litres of liquor from
washroom of the petitioner. It is next submitted that petitioner
was not arrested from the spot as such nothing was recovered
from his conscious possession and the house in question is a
joint family property as such it cannot be alleged with certainty
that it was petitioner, who had kept the liquor in the house or the
liquor kept in the house was within his 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 he came to be implicated at the instance of local person but then the name of person who disclosed the name of petitioner is not disclosed in the FIR, which casts an aspersion on the case of the prosecution as petitioner was not implicated based on secret information. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rajgir P.S. Case No.64/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than two cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of two cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

amit/-

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

