

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25356 of 2026

Arising Out of PS. Case No.-28 Year-2025 Thana- Bhelahi District- East Champaran

Jhapas Chaudhary @ Japas Chaudhary S/o Late Mangal Pasi Resident of
village - Bhelahi, P.S - Bhelahi, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
07.02.2026 in connection with Bhelahi P.S. Case No. 28 of 2025
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Amendment Act.

3. The prosecution story, in brief, is that on
12.03.2025 at about 22.40 hours on the basis of secret
information the informant alongwith police reached at the house
of the petitioner and seeing the police two persons started
fleeing away from back side of the house and on chase one of
them was arrested who disclosed his name as Munna Kumar
who also disclosed the name of the person who fled away as the
petitioner. On search total 33.185 liters foreign liquor was



recovered from the house of the petitioner. According Seizure list was prepared.

4. Learned counsel for the petitioner submits that it appears from the FIR and seizure list that altogether 33.185 liters of liquor was recovered from the house of the petitioner and one Munna Kumar was apprehended who had disclosed that the person who has escaped from the place of occurrence was petitioner. Learned counsel for the petitioner further submits that although the prosecution has shown that the recovery has been made from the house of the petitioner but the petitioner is not the owner of the house in question. Learned counsel for the petitioner further submits that co-accused person, namely, Munna Kumar, who has disclosed the name of the petitioner, has been granted bail vide order dated 12.05.2025 passed in Cr. Misc. No. 30179 of 2025 by a Coordinate Bench of this Court. Apart from that seizure list witnesses are police personnel and there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 07.02.2026.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of one more case other



than the present case.

6. Considering the aforesaid facts and circumstances and the fact that co-accused person, namely, Munna Kumar, who has disclosed the name of the petitioner, has been granted bail vide order dated 12.05.2025 passed in Cr. Misc. No. 30179 of 2025 by a Coordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-1, East Champaran, Motihari in connection with Bhelahi P.S. Case No. 28 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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