

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30007 of 2026

Arising Out of PS. Case No.-109 Year-2026 Thana- PATLIPUTRA District- Patna

1. Gaurav Kumar Chaudhary @ Jatta S/o Raj Kumar Chaudhary R/O- Indira Nagar Double Transformer, P.S.- Patliputra, Dist- Patna
2. Chhotu Kumar @ Akash Kumar S/o Raj Kumar Chaudhary R/O- Indira Nagar Double Transformer, P.S.- Patliputra, Dist- Patna
3. Dilip Kumar @ Dilip Chaudhary S/o Late Rajendra Chaudhary @ Late Rajindra Chaudhary R/O- Indira Nagar, P.S.- Patliputra, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-05-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners no. 1 and 2 have antecedent of one case under the Excise Act and petitioner no. 3 has antecedent of three cases under the Excise Act and allegation is of recovery of 76.3 litres of liquor from a rented room of Amar Rajput in the house of Brij Bhushan Sharma.

4. Learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession nor the room from where the liquor was recovered belongs to the petitioners. It is further submitted that petitioners have no concern with Amar Rajput and came to be implicated based on the secret information which is the easiest way to implicate someone. It is next submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically either at the instance of the Chawkidar, local person, confessional statement or secret information without holding a proper investigation of the case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each 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 Patliputra P.S. Case No. 109 of 2026, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 and 2 have antecedent of more than one case and petitioner no. 3 has antecedent of more than three cases, it would be presumed that petitioners had concealed their antecedent before this Court, at para 3 of the anticipatory bail application, in that event, the provisional anticipatory bail order shall not be confirmed, but, if it is found on verification that petitioner no. 1 and 2 have antecedent of only one case and petitioner no. 3 has antecedent of only three cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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