

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24797 of 2026

Arising Out of PS. Case No.-347 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Munna Chaudhary @ Munna Kumar Chaudhary S/O Lagan Chaudhary R/O
Vill-Chhota Teliya, Ps-Nagar, Dist-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay, Advocate
	:	Mr. Noumaan Ahmad, Advocate
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2026 Heard Mr. Brajesh Sahay, learned counsel for the petitioner and Mr. Pradeep Narain Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bhagwan Bazar P.S. Case No. 347 of 2022, F.I.R dated 13.07.2022 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 400 liters of illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated. He further submits that it appears from the F.I.R that nothing has been recovered from the



conscious possession of the petitioner rather the recovery has been made from the vehicle in question. The petitioner has no concern at all with the alleged recovery of liquor or the vehicle in question and similarly situated co-accused persons, namely, Dawarika Choudhary, bhikari @ Bhikhari Kumar @ Saroj Kumar @ Amit and Ramesh Ray @ Ramesh Kumar Ray have been granted the privilege of anticipatory bail by this Court vide order dated 22.11.2022 and 21.11.2022 in Cr. Misc. No. 54249 of 2022 and Cr. Misc. No. 51037 of 2022. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C / Section 103 of Bhartiya Nagarik Suraksha Sanhita. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable. He further submits that petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.



6. This court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Additional Sessions Judge-cum-Exclusive Special Court Excise Act-I, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 347 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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)

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