

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32208 of 2026

Arising Out of PS. Case No.-70 Year-2026 Thana- CHANDAUTI District- Gaya

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Pintu Chaudhary @ Pintu Chaudhari S/o Mundharik Chaudhary @ Mundarik Chaudhary R/o Village - Navadih Parsanwan, P.S.- Magadh Medical, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushp Raj Singh, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-05-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Chandauti P.S. Case No.70/2026 for the offence under sections 30(a) of the Bihar Prohibition & Excise Amendment Act-2016 lodged on 02.03.2026 by the informant, ASI Bhagirathi.

3. As per the prosecution story, the informant alleged that on secret information, the motorcycle was intercepted but he managed to escape after leaving the motorcycle. Upon search, there is/was recovery of 25 liters of country made liquor . This led to the FIR.

4. Learned counsel for the petitioner submits that he owns the motorcycle, it was given to a villager little realizing



that he was carrying the liquor.

5. Further, learned counsel for the petitioner 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.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from his conscious possession, FIR is there, he shall be facing the trial, in that background, Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Chandauti P.S. Case



No.70/2026 to the satisfaction of learned Exclusive Special Judge, Excise-4, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the petitioner shall be appearing before the police station as and when required for cooperating in the investigation;

(iii) the petitioner 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 petitioner shall appear before the concerned police station every day for one month and later every fortnight for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of 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 petitioner 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)

Ravi/ S. Prasad

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