

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34042 of 2026

Arising Out of PS. Case No.-48 Year-2026 Thana- Daudnagar Excise District- Aurangabad

Kanhai Chaudhary @ Kanhai Chaudhri son of Late Rameshwar Chaudhary @
Rameshwar Chaudhri Resident of vill-Koilwan tola Raghunath bigha PS-
Haspura Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 18-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing for the State.

2. The petitioner apprehends his arrest in connection with Daudnagar Excise P.S. Case No.48 of 2026, for allegedly having committed offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution story, which has been lodged on the basis of the written information submitted by the informant, to the effect that on 30.01.2026, at about 10:00 a.m., while the informant along with police party on patrolling duty, at around 12:30 p.m., he saw a person coming and carrying bag in his hand. Upon seeing the police, he tried to flee away, but was caught by the police party. He disclosed his name as Vijay Choudhary and on search of his bag, total 10 litres of illicit Chulai liquor was



recovered. On the basis of the confessional statement made by the arrested person, the name of the petitioner transpired in the case.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed the present offence. Nothing was recovered from the possession of the petitioner. The petitioner was not present at the spot and his name has transpired only on the basis of the confessional statement made before the police by the arrested person, from whom 10 litres of illicit liquor was recovered. The petitioner has got no concern with the alleged seized illicit liquor. He further submits that the petitioner has been made accused in six other cases of similar nature and in all the cases, he is on bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is a habitual offender, who is accused in six other cases of similar nature, therefore he does not deserve the privilege of anticipatory bail.

6. Having heard the learned counsel for the parties and after going through the records, it appears that the name of the petitioner has transpired on the confessional statement made by the arrested person, namely, Vijay Choudhary, who was caught by the police with 10 litres of illicit liquor. Since, the petitioner was not present at the place of occurrence, there is no question of any



recovery from him. The allegation of the co-accused is that the petitioner used to sell the said liquor and he had purchased the liquor from the petitioner.

7. Taking into consideration the facts aforesaid, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No.-II, Aurangabad, Bihar in connection with Daudnagar Excise P.S. Case No.48 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition that:-

The learned court concerned 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 concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J.)

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