

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34075 of 2026

Arising Out of PS. Case No.-17 Year-2025 Thana- NTPC KHAIRA District- Aurangabad

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Bharat Chauhan @ Bharat Kumar Son of Kalaktar Chauhan @ Kalktr
Chauhan Resident of Village- Mahuari, P.S.- Navi Nagar, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh, Advocate

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

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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. for the State.

2. The petitioner apprehends his arrest in conneciton
with N.T.P.C. Khaira P.S. Case No. 17 of 2025 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
& Excise Act.

3. As per the prosecution story which has been lodged
on the basis of the written report submitted by the informant to
the effect that on 13.03.2025, he along with police party was on
patrolling duty and during course of the same, he received a
secret information that two persons have hidden some liquor in
a bag in the bush under the Neem tree in the forest. Upon
receiving such information, the informant along with police



party reached there and saw that two persons are there. Upon seeing the police party they started fleeing and managed to escape. Upon search, 21.75 litres of foreign liquor was recovered and seizure list was prepared.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has got no concern with the seized liquor. The name of the petitioner has come in this case only on the basis of suspicion. The petitioner was not even present at the place of occurrence, therefore, there is no question of any recovery from possession of the petitioner. The recovery has been made from an open place which is accessible to one and all. The petitioner has two criminal antecedents of similar nature.

5. The learned A.P.P. for the State opposes the prayer for bail and submits that the petitioner is habitual offender and he has got two criminal antecedents of similar nature, therefore, he does not deserve the privilege of anticipatory bail.

6. Heard the learned counsel for the parties and after going through the records, it appears that total 21.75 litres of foreign liquor was recovered from an open place and petitioner was not present at the place of occurrence. His name transpired during course of investigation. Considering the same, let the



petitioner, above named, in the event of arrest or surrender within a period of six weeks, 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 Special Judge Excise-2, Aurangabad in connection with N.T.P.C Khaira P.S. Case No. 17 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(1) 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 antecedents, the court concerned shall take steps 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.

(Ritesh Kumar, J)

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