

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33869 of 2026

Arising Out of PS. Case No.-108 Year-2026 Thana- DHAKA District- East Champaran

1. Shree Bhagwan Chaudhary S/O Late Gauri Chaundhary Resident Of Village- Phulwariya, P.S.- Dhaka, District- East Champaran.
2. Nagendra Mahto Son of Late Dularchand Mahto Resident of Village- Phulwariya, P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar Singh

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 20-05-2026 Heard learned counsel for the parties through virtual mode.

2. The petitioners are apprehending their arrest in connection with Dhaka P.S. Case No.108 of 2026, F.I.R dated 25.02.2026, registered for the offences punishable under Sections 30(a) of Bihar Prohibition & Excise Act.

3. As per the prosecution case, on the basis of secret information, the police recovered 110.4 liters of Nepali liquor from the hut of accused Nagendra Mahto, located in a mango orchard.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case merely on the basis of secret information. It is further submitted



that the petitioners have no concern with the seized liquor or the place of recovery. Learned counsel further submits that there is violation of Section 103 of the B.N.S.S. in the matter of seizure and the name of the petitioners transpired only on the statement of the local Chaukidar. It is lastly submitted that the petitioners have clean antecedent and are ready to abide by all terms and conditions as may be imposed by this Court while granting the privilege of anticipatory bail.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submissions made by the parties, and taking into consideration the fact that the illicit liquor has not been recovered from the constructive possession of the petitioners and further that the petitioners have a clean antecedent, this Court is inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.3, I/c Civil Court,



East Champaran at Motihari, in connection with Dhaka P.S.
Case No.108 of 2026 subject to the condition as laid down
under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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