

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34036 of 2026

Arising Out of PS. Case No.-913 Year-2021 Thana- ARA NAGAR District- Bhojpur

Kamlesh Chaudhari Son of Ramnath Chaudhary Resident of Village-
Koshihan, P.S.- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, 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 Ara Nagar P.S. Case No.913 of 2021, for allegedly having
committed offences 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 statement made by the informant, to the
effect that on 25.12.2021, while he was on evening patrolling
duty with the police personnel, at around 18:45 hours, he got a
secret information that three persons have kept country made
Mahua wine near Meerachak Mahavir Mandir in a plastic
container. After giving information to the senior police officials,
the informant reached the place of occurrence and upon seeing



the police party, three persons tried to flee away from there after leaving the plastic container. On chase, one person was apprehended, while two persons succeeded in fleeing away, taking advantage of the darkness. The arrested person disclosed his name as Dharmendra Choudhary and further disclosed the name of the petitioner and one Hiram Choudhary. On search, 20 litres of country made Mahua wine was recovered for which seizure list was prepared.

4. The learned counsel for the petitioner submits that the name of the petitioner has transpired on the basis of the confessional statement made by the co-accused before the police and apart from the same, nothing has been alleged against the petitioner. Since the petitioner was not present at the place of occurrence, nothing has been recovered from his possession. It is also submitted that the petitioner has got no concern with the alleged seized wine and the seizure has been done from an open place, which is accessible by any person. The petitioner is working in Delhi to earn his livelihood and in the Holi festival, he was at his native place, then he came to know about the present case. It is further submitted that the petitioner has got a clean antecedent.

5. The learned A.P.P. for the State opposes the prayer



for anticipatory bail of the petitioner.

6. Having heard the learned counsel for the parties and after going through the records, it appears that the petitioner was not present at the place of occurrence. 20 litres of country made Mahua wine was seized and one Dharmendra Choudhary was arrested from the place of occurrence and on his disclosure, the name of the petitioner has come. Since the petitioner was not present at the place of occurrence, there is no question of any recovery from him and he has also got a clean antecedent.

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 Exclusive Special Excise Court No.1st, Bhojpur at Ara in connection with Ara Nagar P.S. Case No.913 of 2021, 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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