

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35112 of 2026

Arising Out of PS. Case No.-89 Year-2026 Thana- DEHRI TOWN District- Rohtas

Jhuna @ Jhuna Chauhan S/O Late Dadan Chauhan R/O Village/At- New Area, West Mohan Bigha, Ward No.17, P.S.- Dehri Town, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the State : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 11-06-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, there is recovery of 216 liters of illicit liquor from a tempo and a motorcycle and one Ghanshyam Paswan was apprehended on the spot who took the name of the petitioner and one Taraiya, amongst the persons who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner was neither apprehended from the spot nor any recovery was made from his personal or conscious possession. None of the vehicles belong to the petitioner and the search and



seizure was also not done in presence of any independent witness. It is pointed out that the similarly situated co-accused Taraiya has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 20.05.2026 passed in Cr. Misc. No. 34720 of 2026. The petitioner is in custody since 19.04.2026.

5. Learned APP for the State opposed the bail petition of the petitioner on the ground that the petitioner has three criminal antecedent.

6. In response, it is submitted that the petitioner is on bail in the said cases.

7. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner was not apprehended on the spot and no recovery was made from his possession coupled with the fact that the mandatory provisions of search and seizure have been violated, let the above named petitioner, 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-I, Rohtas at Sasaram/concerned Court below in connection with Dehri (T) P.S. Case No. 89 of 2026, subject to the conditions:-



(i) One of the bailors shall be a family member/close relative.

(ii) The petitioner shall cooperate in the investigation and shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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