

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34228 of 2026

Arising Out of PS. Case No.-53 Year-2026 Thana- ARIYARI District- Sheikhpura

1. Surendra Chauhan @ Sumidar Chauhan S/o Balram Chauhan Resident of Village- Pharpar, P.S.- Ariyari @ Ariari, District- Sheikhpura
2. Laxman Kumar @ Laxmi Kumar @ Laxmi Chauhan Son of Surendra Chauhan @ Sumidar Chauhan Resident of Village- Pharpar, P.S.- Ariyari @ Ariari, District- Sheikhpura
3. Bikram Kumar @ Golu Kumar Son of Surendra Chauhan @ Sumidar Chauhan Resident of Village- Pharpar, P.S.- Ariyari @ Ariari, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Roop Kishan, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 19-05-2026 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Ariyari @ Ariari P.S. Case No. 53 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

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 27.04.2026 at about 6.35 A.M., he got a secret information that all the accused persons named in the F.I.R., are selling liquor at *Jhari* situated near Hawa Mahal of Musahari



Tola. Upon receiving the said information, the informant along with the police team reached at the place of occurrence, however upon seeing the police party, three persons managed to escape. Upon search, the police recovered 34.500 litres of Desi Mahua. Accordingly, a seizure list was prepared.

4. The learned counsel for the petitioners submits that the petitioners are innocent and they have been implicated in the present case, since they have criminal antecedents of similar nature. He further submits that nothing has been recovered from possession of the petitioners. The petitioners were not present at the place of occurrence. The alleged liquor is said to have been recovered from *Jhari*, which is an open place and accessible to one and all. He submits that the petitioner no.1 has got one criminal antecedent, the petitioner no. 2 has got three criminal antecedent and the petitioner no. 3 has got one criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioners and submits that all the petitioners have got criminal antecedents and are habitual offenders, therefore, they do not deserve the privilege of the anticipatory bail.

6. Having considered the rival submissions and after going through the records, it appears that total 34.500 litres of



Desi Mahua was recovered from *Jhari*, which is an open place and accessible to one and all. Their name transpired in present case during course of investigation and since they were not present at the place of occurrence, there is no question of any recovery from the petitioners. Considering the above, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned court of Special Court of Excise, Sheikhpura in connection with Ariyari @ Ariari P.S. Case No. 53 of 2026, subject to conditions as laid down under Section 482(2) of the B.N.S.S. with further condition:

(i) The learned Court concerned shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioners. 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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