

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34956 of 2026

Arising Out of PS. Case No.-218 Year-2026 Thana- NAUTAN District- West Champaran

1. Mogal Chaudhary @ Ramchandra Chaudhary @ Shriram Kumar Chaudhary
Son of Shailendra Chaudhary @ Shailendara Chaudhary @ Shailendra
Chaudhari Resident of Village- Baira Parsauni, Ward No. 9, P.S.- Nautan,
District- West Champaran.
2. Sajanalal Chaudhary S/o Shailendra Chaudhary @ Shailendara Chaudhary @
Shailendra Chaudhari Resident of Village- Baira Parsauni, Ward No. 9, P.S.-
Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyan Prakash, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-05-2026 Heard the parties.

2. The petitioners are apprehending arrest in connection with Nautan P.S. Case No. 218 of 2026 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 24.04.2026 by the informant, Indradev Yadav.

3. As per the prosecution story, on secret information, place behind the house of the petitioners was raided and there is recovery/seizure of 69.465 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioners submit that



admittedly the recovery/seizure is behind the house of the petitioners and not from their conscious possession.

5. Further, learned counsel for the petitioners relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019(2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar **under section 76(2)** of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that the so far as the petitioners no.1 is concerned, he has one criminal antecedent.

7. Considering the submissions of the parties as also and the judgment of **Ram Vinay Yadav (supra)**, the recovery is not from their conscious possession, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two



sureties of the like amount each in connection with Nautan P.S. Case No. 218 of 2026 to the satisfaction of learned Spl. Judge, Excise Court No.1, Bettiah, West Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ravi/S.Prasad

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