

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35741 of 2026

Arising Out of PS. Case No.-29 Year-2026 Thana- NTPC KHAIRA District- Aurangabad

Jugesh Chauhan Son of Madan Chauhan Resident of village Mahvari, P.S.-
Nabinagar, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 25-05-2026 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 NTPC Khaira P.S. Case No.29 of 2026, for allegedly having
committed offence under Section 30(a) of Bihar Prohibition and
Excise (Amendment) Act, 2022.

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 03.04.2026, while the informant was on evening
patrolling duty, he received a confidential information with regard
to illegal transportation of liquor. The informant and police party
spotted a black coloured motorcycle coming from the direction of
village Jhiktiya. Upon seeing the police party, the person who was
riding the motorcycle fled away from there after leaving the
motorcycle. In presence of the witnesses, the motorcycle was



searched and from the motorcycle, 160 litres of illicit mahua liquor was recovered. The liquor and the motorcycle was seized.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the petitioner was not present at the place of occurrence and the motorcycle, which is said to have been seized does not belong to the petitioner. He further submits that the petitioner has got no concern with the alleged seized liquor and the name of the petitioner has been taken in the present case only on the basis of suspicion. The learned counsel for the petitioner further submits that the petitioner is an accused in three other cases, in which he is on bail.

5. *Per Contra*, the learned APP appearing on behalf of the state opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is a habitual offender and is accused in three other cases, out of which, two are of similar nature and it is every probability that if he is released on bail, he will indulge in the same activity again.

6. Having considered the rival submissions and after going through the records, it appears that the petitioner was not apprehended at the place of occurrence. From the motorcycle, which was seized, 160 litres of illicit mahua liquor is said to have been recovered. The motorcycle does not belong to the petitioner



and on suspicion, his name transpired in the present case. The petitioner has got three criminal antecedents, out of which, two are of similar nature relating to Excise Act.

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 Special Judge Excise-2, Aurangabad, Bihar in connection with NTPC Khaira P.S. Case No.29 of 2026, 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.)

Sanjay/Shital

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