

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35476 of 2026

Arising Out of PS. Case No.-184 Year-2026 Thana- BAIRIYA District- West Champaran

Shivnath Chaudhari Son of Late Ratan @ Ratn Chaudhari Resident of village
- Siswa Sareya, P.S.- Bairiya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar Sharma, Advocate
For the State : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 21-05-2026 Heard the learned counsel for the petitioner and the
learned APP for the state.

2. The petitioner apprehends his arrest in connection with Bairiya P. S. Case No. 184 of 2026 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

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 15.04.2026 at about 14:30 hrs, he proceeded for raid against illegal liquor. He got an information at about 17:10 hrs that one Shivnath Chaudhari (the petitioner herein) and other persons namely Dhenuk Chaudhari and Videshi Chaudhari have kept illegal liquor in a bush near cremation ground for the purposes of selling the same. To verify the



authenticity of the said information and after giving information to the senior officials, the informant proceeded for the place of occurrence and on seeing the informant, the petitioner and others started fleeing away from there. It is alleged that all the persons, including the petitioner succeeded in fleeing away and on search, total 60 liters of country made illegal liquor was recovered from three different plastic bags, for which a seizure list was accordingly prepared.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He was not even present at the place of occurrence and his name has transpired in the present case only on the basis of his previous antecedent in similar nature of cases. He further submits that nothing has been recovered from the possession of the petitioner and the place from where the recovery has been made is a cremation place which is accessible to all. The name of the petitioner has been taken by the local chaukidar, who is inimical to the petitioner. He further submits that the petitioner has got three criminal antecedents out of which two are of similar nature.

5. The learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner has got



three antecedents, out of which two are of similar nature and if the petitioner will be granted the privilege of anticipatory bail, he will again indulge in the same.

6. Having considered the rival submissions and after going through the records, it appears that 60 liters of illegal country made liquor was recovered from a cremation place, kept in three plastic bags, however, no one was apprehended at the place of occurrence. On the basis of the identification of the local chaukidar, the name of the petitioner and others transpired. No recovery was made from the petitioner and the place from where the alleged liquor has been recovered is a cremation ground, where many people come. The petitioner has got three antecedents.

7. Considering the above, 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 learned Special Judge, Excise Court- I, Bettiah, West Champaran in connection with the Bairiya P.S. Case No.184 of 2026, subject of the conditions as laid down under Section 482(2) of BNSS, 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

priyanka/-

U		T	
---	--	---	--

