

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36552 of 2026

Arising Out of PS. Case No.-75 Year-2026 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Upendra Chaudhary, S/o Rameshwar Chaudhary, Resident of Village-
Pahariya, P.S.-Shekhopur Sarai, District - Sheikhpura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-06-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and
apprehending his arrest in connection with Shekhopur P.S.
Case No.75 of 2026 registered under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in
illegal trade/manufacturing of illicit liquor, where there is
recovery of 15 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for
the petitioner that the recovery of alleged illicit liquor was
made from boring site of the field, which belongs to the
petitioner. It is submitted that as the place was open, it was



accessible by general public and, therefore, the recovery of illicit liquor cannot be said to be made from conscious physical possession of this petitioner. It is pointed out that petitioner found involved in two more criminal cases, where he is on bail.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to 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 Exclusive Special Excise Court, Sheikhpura in connection with Shekhopur Sarai P.S. Case No.75 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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