

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38844 of 2026

Arising Out of PS. Case No.-128 Year-2026 Thana- NAYAGAON District- Saran

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Dinanath Kumar Chaudhary @ Dinanath Chaudhary Son of Late Birendra Chaudhary @ Virendra Chaudhari Resident of Village- Sheikhdumari (Sheikh Dumari), P.S.- Nayagaon, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-06-2026 Heard Mr.Dewendra Narayan Singh, learned counsel

for the petitioner and Mr.Parmanand Prasad, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since
11.05.2026 in connection with Nayagaon P.S. Case No. 128 of
2026, F.I.R. dated 10.05.2026 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

3. Recovery is of 05 liters of country made liquor.

4. Learned counsel appearing for the petitioner
submits that from a bare perusal of the FIR it appears that the
recovery has been made from the house of the petitioner and
altogether 05 liters of country made liquor was recovered near



the Sand Store of the house of the petitioner and petitioner has been made accused in the present case merely on the basis of suspicion and from a bare perusal of the FIR as well as the seizure list it appears that the seizure list witnesses are Bihar Home Guard personnel, so there is non-compliance of the Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 11.05.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner was arrested from the place of occurrence, apart from that, the petitioner carries two more cases other than the present one of similar nature but he fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Nayagaon P.S. Case No. 128 of 2026, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below 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 below shall take step 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.

(Rajesh Kumar Verma, J)

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