

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39238 of 2026

Arising Out of PS. Case No.-83 Year-2026 Thana- THALI District- Nawada

1. Bihari Kumar S/o Suresh Ram, R/o Village - Patandei, P.S. - Govindpur, Dist. - Nawada.
2. Prem Chaudhary S/o Late Bhola Chaudhary, R/o Village - Patandei, P.S. - Govindpur, Dist. - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Sarita Kumari, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-06-2026 Heard Ld. counsel for the petitioners and Ld. APP for
the State.

2. The petitioners seek anticipatory bail, apprehending their arrest, in connection with Thali P.S. Case No. 83 of 2026 dated 01.05.2026, registered for the offences punishable under Sections 111(4) and 317(4) of BNS and Section 30(a)/41(1) of Bihar Prohibition and Excise Act, 2018.

3. As per the allegation, co-accused/Nitish Kumar, who is not petitioner herein, along with co-accused/Bihari Kumar, who is petitioner herein, were carrying 63 litre illicit liquor keeping in bag on the motorcycle in the middle of the driver and the pillion rider. When police chased them, pillion rider was successful to flee away. However, Nitish Kumar, who was driving the motorcycle, was apprehended on the spot with recovery of the illicit liquor and as per the confessional



statement of Nitish Kumar, petitioner/Prem Chaudhary and other co-accused/Pappu Chaudhary had provided motorcycle to him to carry the illicit liquor.

4. Learned counsel for the Petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that petitioners have nothing to do with the alleged offence and they are not the owner of the vehicle, nor were they present at the time of the occurrence. The only material against the petitioners is so-called confessional statement of the co-accused before the police which has no evidentiary value and except such material, there is nothing against them. Hence, no *prima facie* case is made out against the petitioners.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated paragraph no.3 of the bail petition that the petitioner No.1 has one criminal antecedent and petitioner No.2 has two criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances,



this petition is allowed, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Thali P.S. Case No. 83 of 2026, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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