

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43051 of 2026**

Arising Out of PS. Case No.-177 Year-2026 Thana- Arwal District- Arwal

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Upendra Chaudhary S/o Late Rohan Chaudhary R/o Village- Makbulpur Raja,  
P.S- and Dist- Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr.Paras Nath, Advocate  
For the Opposite Party : Mr.Sucheta Yadav, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      02-07-2026                      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 Arwal P.S. Case  
  
No.177 of 2026 registered under Section 30(a) of Bihar  
  
Prohibition and Excise Act, 2022.

3. Allegation against the petitioner is to engage in  
  
illegal trade/manufacturing of illicit liquor, where there is  
  
recovery of 37 litres 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 the house of petitioner. It is also submitted that



name of petitioner arrayed solely for the reason that petitioner is the owner of the house. It is argued by petitioner that the said house is a joint family property. It is also submitted that recovery of illicit liquor was not made from conscious possession of this petitioner. It is further argued that the requirement of Section 103(4) of the BNSS has not been complied with, inasmuch as no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. Explaining criminal antecedent, it is submitted that the petitioner found involved in one criminal case, 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 note of the fact as recovery of illicit liquor *prima facie* not appears to be made from 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 Special Judge Excise- II, Jehanabad, in connection with Arwal P.S. Case No.177 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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