

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43782 of 2026

Arising Out of PS. Case No.-179 Year-2026 Thana- DARAUNDA District- Siwan

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1. Santosh Choudhary (Male) aged about 36 years, Son of Late Rajendra Choudhary
 2. Suganti Devi (Female) aged about 52 years, wife of Late Rajendra Chaudhary
- Both are Resident of Village - Tiyya, P.S - Aandar, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-07-2026 Heard Mrs. Kumari Anupam, learned counsel appearing on behalf of the petitioners and Mr. Suresh Prasad Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Daraundha P.S. Case No. 179 of 2026 registered for the offence punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 100 litres of illicit liquor, out of which, 40 litres of illicit liquor was recovered



from a motorcycle bearing Registration No. BR29BB-7296, registered in the name of the petitioner no. 2.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioner no. 2 has been implicated in the present case on the basis of registration certificate of the vehicle, which was being used by co-villager and the petitioner no. 2 had no knowledge that his vehicle was being misused for carrying illicit liquor. Petitioner no. 1 has been roped in the present case on the basis of confessional statement of co-accused persons, namely, Krishna Pasi and Lal Das Mahto, which has no evidentiary value in the eye of law. Petitioners have no concern with the alleged seized liquor nor they are involved in trade or manufacturing of illicit liquor in any manner. Petitioners denied their complicity in the alleged offence. Petitioner no. 1 has clean antecedent and petitioner no. 2 has one antecedent of similar nature. On these grounds, petitioners seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation made in the FIR against the petitioner no. 2 and the previous criminal antecedents of petitioner no. 2, who has been made accused in



one other case for similar offence allegedly committed under Bihar Prohibition and Excise Act as amended up-to-date, I am not inclined to enlarge the petitioner no. 2 on pre-arrest bail.

7. So far as, petitioner no. 1 is concerned, considering the fact that he has been made accused in the present case on the basis of confessional statement of co-accused persons, namely, Krishna Pasi and Lal Das Mahto, which has no evidentiary value in the eye of law. General and omnibus allegation has been levelled against him and also the fact that the State has failed to implement its liquor policy in its true spirit, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, 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 District Court where the case is pending, in connection with Daraundha P.S. Case No. 179 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner no. 1 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner no. 1 as what has been stated



in paragraph no. 3, this order will lose its force automatically.

9. The present bail application is disposed of.

(Purnendu Singh, J)

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