

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46862 of 2026

Arising Out of PS. Case No.-115 Year-2026 Thana- SIMRI District- Buxar

Mohan Chaudhary S/o Suresh Chaudhary Resident of Village - Chandpali
Bind Dera, P.S - Simri, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Rai Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-07-2026 Heard Mr. Manish Rai Sharma, learned counsel
appearing on behalf of the petitioner and Mr. Ganesh Prasad
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Simri P.S. Case No. 115 of 2026 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, as amended upto date.

3. As per the allegation made in the FIR, on receiving
secret information, the police conducted a raid where one person
allegedly fled away after throwing two gallons containing 8
litres of country-made liquor and was identified by the local
Chowkidar as the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and has



falsely been implicated in the present case. He submitted that the petitioner was neither apprehended from the place of occurrence nor was any liquor recovered from his conscious possession. The alleged recovery was made from an open place accessible to the general public and the petitioner's name has surfaced only on the identification made by the local *Chowkidar*. The petitioner has clean antecedent. On these grounds, petitioner 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.

6. Having heard the rival submissions made on behalf of the parties and upon perusal of the materials available on record, it appears that the petitioner was not apprehended from the place of occurrence and the alleged recovery of 8 litres of country-made liquor was not made from his conscious possession. The place of recovery is stated to be an open place accessible to the public at large and the implication of the petitioner is primarily based on identification by the local *Chowkidar*. Considering the quantity of liquor alleged to have been recovered, the clean antecedent of the petitioner, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.



7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his 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 learned District Court where the case is pending /successor court in connection with Simri P.S. Case No. 115 of 2026, subject to the condition as laid down under Section 438(2) of the Cr.P.C./Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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