

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46849 of 2026

Arising Out of PS. Case No.-578 Year-2026 Thana- Excise P.S. District- Aurangabad

Anil Chauhan @ Anil Noniya S/o Ram Narayan Chauhan Resident of Village-
Jamua, P.S.- Madanpur, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-07-2026 Heard Mr. Rakesh Singh, learned counsel
appearing on behalf of the petitioner and Mr. Ashok Kumar
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Aurangabad Excise P.S. Case No. 578 of 2026 registered
for the offence punishable under Sections 30(a) and 32(3) of the
Bihar Prohibition and Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, on secret
information a raiding party reached near High School, Pind,
where one person allegedly fled away leaving behind one
motorcycle. During search, two gallons containing 80 litres of
spirit concealed beneath a *Pind* were recovered and seized along
with the motorcycle bearing Registration No. BR26G-3386. The
villagers allegedly identified the person who fled away as the



petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in the present case. He submitted that the alleged recovery was made from beneath a *Pind*, from an open space and not concerned with the petitioner. He further submitted that mere recovery of the motorcycle from the place of occurrence *prima facie* don't establish the petitioner's involvement in the alleged offence. He also submitted that although the petitioner has two criminal antecedents under the Excise Act, he is on bail in both the cases. 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 to the petitioner.

6. Considering the fact that the alleged recovery of 80 litres of spirit was made from beneath a *Pind*, raised on the soil. Mere parking of the motorcycle near the *Pind prima facie* don't establish the complicity of the petitioner and merely on suspicion the petitioner has been made accused. 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 the learned District Court where the case is pending, in connection with Aurangabad Excise P.S. Case No. 578 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

8. The present bail application is disposed of.

(Purnendu Singh, J)

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