

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48210 of 2026

Arising Out of PS. Case No.-188 Year-2026 Thana- BARUN District- Aurangabad

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Vinod Chaudhary S/o Late Dukhan Chaudhary @ Late Dukhi Chaudhary R/o
Village- Dhamani Gola, P.S- Barun, Dist- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barun P.S. Case No. 188 of 2026, F.I.R dated 05.05.2026 & G.R. No. 245 of 2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 05.05.2026, the case was instituted on the written report of Karan, A.S.I., Barun Police Station, Aurangabad. During vehicle checking, he received secret information that Vinod Chaudhary was manufacturing illicit liquor near Anighat. Upon reaching the spot, the police saw a person fleeing away who could not be apprehended. The local Chowkidar identified the person as



Vinod Chaudhary. During search, 30 litres of country-made liquor was allegedly recovered near Anighat, Sone Diyara. The seized liquor was confiscated and a seizure list was prepared, leading to registration of the case.

4. Learned counsel for the petitioner submits that the place of recovery is from an open space, which is accessible to general public. The name of the petitioner has transpired on the basis of the statement of a local *chowkidar*. Nothing incriminating is said to have recovered from the constructive possession of this petitioner. It has next been submitted that the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application in respect of the petitioner.

6. Considering the fact that the recovery has not been made from the constructive possession of this petitioner and the place from where the recovery of illicit country-made liquor has been made, is an open place accessible to general public and the petitioner having clean antecedent, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be



released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No. 1, Aurangabad in connection with the aforesaid P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to



take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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