

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48243 of 2026

Arising Out of PS. Case No.-103 Year-2026 Thana- BAKHARI District- Begusarai

Chhotu Kumar S/O Hari Narayan Mahto Resident of Ward No. 01, Darha
Than Singh, Danrhe Than Singh, P.S. Bakhri, Dist -Begusarai, Bihar-848201.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Keshav Bhardwaj, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RANJAN KUMAR JHA
ORAL ORDER

2 27-07-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The petitioner is apprehending his arrest in connection with Bakhri P.S. Case No. 103 of 2026 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022 (amended).

3. The allegation against the petitioner in the FIR is that from bushes by the side of pond of one Braj Bhushan Deo, recovery of 15 litres of country made liquor as alleged. Petitioner was identified by the Chaukidar while fleeing away from the place of occurrence after seeing the police party.

4. It is submitted by learned counsel for the petitioner that petitioner is not connected with the pond or liquor and FIR



itself shows that his name transpired on the basis of the statement of local chaukidar, who is inimical to the petitioner.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Having considered the submissions of the parties, and keeping in view that the alleged recovery was made from an open area and petitioner has been identified only by the local chaukidar, who is inimical to him, this Court is inclined to allow the prayer for anticipatory bail. Accordingly, the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each of the satisfaction of learned Exclusive Special Judge Excise-II, Begusarai/concerned court, in connection with Bakhri P.S. Case No. 103 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS, with further conditions that:-

(i) One of the bailors shall be family member of the petitioner.

(ii) The petitioner shall not involve in similar nature of offence till the conclusion of



trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(iii) Petitioner shall cooperate in further investigation if any, in case of non-compliance of aforesaid conditions, the informant/State shall be at liberty to press for cancellation of bail bond of the petitioner before the learned trial court itself, which be decided, after giving fair opportunity of hearing to the petitioner.”

(Ranjan Kumar Jha, J)

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