

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49250 of 2026

Arising Out of PS. Case No.-159 Year-2026 Thana- PANDAUL District- Madhubani

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Phekan @ Santosh Chaudhary @ Santosh Kumar Chaudhary, S/o Shyam
Chaudhary, Resident of village - Shahpur, P.S - Pandaul, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.
For the Opposite Party/s : Mr.Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-07-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Pandaul P.S. Case No. 159 of 2026, corresponding to G.R. No. 770 of 2026, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel appearing for the petitioner submits that the alleged liquor is stated to have been recovered from a fish farm with which the petitioner has no connection whatsoever, and he is neither the owner nor in possession of the said premises. The petitioner has been implicated solely on the basis of his alleged identification by a police chowkidar. As per the FIR, the police party conducted a raid at the alleged place



late at night, and in the headlights of the vehicles, the police chowkidar claimed to have identified the persons who allegedly escaped from the spot, such identification, by itself, is not sufficient to implicate the petitioner. It is further submitted that the petitioner has no criminal antecedent and has no connection whatsoever with the co-accused, Manoj Singh, who is alleged to be the main accused and to be involved in the illicit liquor trade. It is lastly submitted that in view of the circumstances appearing from the FIR against the petitioner the alleged offence of Excise Act under which the FIR has been registered does not even *prima facie* attract against the petitioner, therefore, his prayer is not hit by the provisions of Section 76(2) of the Excise Act.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly taking into account petitioner's fair and clean antecedent, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Pandaul P.S. Case No. 159



of 2026, corresponding to G.R. No. 770 of 2026 on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023.

(Shailendra Singh, J)

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