

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52135 of 2026

Arising Out of PS. Case No.-719 Year-2025 Thana- GAYA MUFASIL District- Gaya

1. Vijay Chaudhary S/O Rajendra Chaudhary @ Rajendra Chaudhari Resident of Village- Naili, P.S.- Magadh Medical, District- Gaya Jee.
2. Mahendra Chaudhary S/O Late Shiyasharan Chaudhary @ Late Shiasharan Chaudhary Resident of Village- Naili, P.S.- Magadh Medical, District- Gaya Jee.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-07-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a), 30(b) and 30(c) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 205 litres of liquor from three different places out of which 50 litres of liquor is alleged to have been recovered from house of petitioner no.1 along with 50 kg. of mahua jaggery solution was destroyed, 55 litres of liquor from house of petitioner no.2 and 50 kg. of mahua



jaggery solution was destroyed.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the house in question is a joint family property and thus, it cannot be alleged with certainty that it was the petitioners, who had kept the liquor in the house or the liquor kept in the house was within their knowledge and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with and they came to be implicated at the instance of Chaukidar and local person, but then, it is submitted that it does not appear probable that chaukidar/local person would have known who had concealed the liquor in the house.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned



Trial Court where the case is pending/ successor Court in connection with Mufassil P. S. Case No.719 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioners are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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