

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58546 of 2025

Arising Out of PS. Case No.-129 Year-2025 Thana- Bikramganj Excise District- Rohtas

1. Ishwar Chaudhary S/o- Late Ghurhu Chaudhary Resident of Asiyan P.S- Natwar, Dist- Rohtas at Sasaram
2. Nagesh Chaudhary @ Nakesh Kumar S/o- Hanuman Chaoudhary Resident of Asiyan P.S- Natwar, Dist- Rohtas at Sasaram
3. Tinku Kumar Choudhary @ Tinku Choudhary S/o- Motilal Chaudhary Resident of Asiyan P.S- Natwar, Dist- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 06-01-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of two cases, petitioner no.2 has antecedent of three cases and petitioner no.3 has antecedent of four cases and allegation is of recovery of 180 litres of liquor from a bamboo orchard. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered



from their conscious possession and are not the owners of the bamboo orchard and they came to be implicated at the instance of local villager but the name of villager who disclosed the name of the petitioners have not been disclosed in the FIR which casts an aspersion on the case of the prosecution. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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 from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) 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 Excise P.S. Case No.366/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court



thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 has antecedent of more than two cases, petitioner no.2 has antecedent of more than three cases and petitioner no.3 has antecedent of more than four cases, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found that petitioner no.1 has antecedent of two cases, petitioner no.2 has antecedent of three cases and petitioner no.3 has antecedent of four cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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