

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67400 of 2025

Arising Out of PS. Case No.-800 Year-2018 Thana- MASAUDHI District- Patna

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Dhai Chaudhary @ Dai Chaudhary @ Vineshar Chaudhary @ Vineshwar Chaudhary S/o Mahesh Chaudhary Resident of Sanghat Par, Masaurhi, PS-Masaurhi, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Barun Prasad, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-01-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of five litres of liquor along with ten Kg. of Mahua flower from the house of Pheku Chaudhary and five litres of liquor along with ten Kg. of Mahua flower from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted



that the house in question is a joint family property, as such, it cannot be alleged with certainty that it was the petitioner who had kept the liquor and Mahua flower in the house or the liquor and Mahua flower kept in the house was within the knowledge of the petitioner. It is next submitted that petitioner came to be implicated based on the secret information which is the easiest way to implicate someone without holding a proper investigation of the case. It is reiterated and submitted that petitioner is a person with clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) 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 Special Case No. 11250 of 2018 arising out of Masaurhi P.S. Case No. 800 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case, it would be presumed that petitioner had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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