IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72327 of 2026

CNR No. BRHC011016522026

Arising Out of PS. Case No.-336 Year-2026 Thana- Daudnagar Excise District- Aurangabad

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Kanhai Chaudhary @ Kanhai Chaudhri S/o Late Rameshwar Chaudhary @ Rameshwar Chaudhri Resident of Vill. - Koilwan, Pasi Tola, Raghunath bigha, P.S. - Haspura, Dist- Aurangabad.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Adarsh Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 04-11-2026 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 offences punishable under Sections 30(a) and 30(c) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of seven cases under the Excise Act and allegation is of recovery of 100 liters of liquor from gallons and 500 liters of jaggery solution from a pond.

4. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and even alleged

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recovery is from a place which does not belong to the petitioner and he came to be implicated at the instance of local person, but then it is submitted that if local person was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of *Chowkidar*, local person, confessional statement or secret information without holding a proper investigation. It is next submitted that petitioner in similar manner earlier also came to be implicated in cases relating to Excise.

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, 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. 35000/- (Rupees Thirty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court

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where the case is pending/successor court in connection with Daudnagar Excise P.S. Case No. 336 of 2026 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than seven cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of seven cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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