IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73350 of 2026

CNR No. BRHC011022352026

Arising Out of PS. Case No.-285 Year-2017 Thana- GAYA MUFASIL District- Gaya

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1. Rajesh Chaudhary S/O Late Mahavir Chaudhary @ Bhuntu Chaudhary @ Bhundu Chaudhary R/O Village- Bhadeja, P.S.- Muffassil, Dist.- Gaya.
2. Yougendra Chaudhary @ Yogendra Chaudhari S/O Late Dhaman Chaudhary @ Vikku Chaudhary @ Bigu Chaudhary R/O Village- Bhadeja, P.S.- Muffassil, Dist.- Gaya.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sudhir Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-10-2026 Heard learned Advocate for the petitioners and learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Mufassil P.S. Case No.285 of 2017 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. Acting on a tip-off regarding sale and storage of illicit wine, the police conducted raid in the houses of the petitioners. In course of search, total 25 liters of Mahua liquor was recovered from the houses of both the petitioners.

4. Learned Advocate for the petitioners submitted that

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the houses from which it is said that the recovery has been made are a joint family house where various persons reside, however, only on account of suspicion, the name of the petitioners have been implicated in this case. There are various other discrepancies in the search and seizure, besides the ingredients are not available to attract the statutory prohibition to maintain the anticipatory bail. It is further contended that petitioner no.1 has absolutely clean antecedent, whereas petitioner no. 2 has got one criminal antecedent, which pertains to a case instituted subsequent to the registration of the present FIR.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the FIR was instituted long back in the year 2017, and the petitioner has approached this Court after a delay of 9 years.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the fact that the petitioners were evading their arrest since long, besides the allegation of recovery of illicit wine from the house as well as the prohibition under Section 76(2) of the Excise Act, 2016 which bars anticipatory bail, this Court is not acceded to the prayer for anticipatory bail of the petitioners. Accordingly, their prayer is rejected.

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7. However, if the petitioners surrender before the jurisdictional court preferably within a period of four weeks from today, their prayer for bail shall be considered on its own merits, without being prejudiced by the order of this Court.

(Harish Kumar, J)

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