IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76893 of 2026

CNR No. BRHC011079052026

Arising Out of PS. Case No.-485 Year-2026 Thana- HISUWA District- Nawada

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Bholi Chaudhary @ Rajesh Kumar Chaudhary S/o Late Jagdish Chaudhary Resident of Village- Gandhi Tola HIsua, P.S.- Hisua, District- Nawada, Bihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Krishna Deo Raj, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Hisua P.S. Case No. 485 of 2026, F.I.R dated 23.08.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, Amarnath Jha, A.S.I., Hisua Police Station, submitted a self-written application alleging that on 23.08.2026, at about 10:00 A.M., while he and other police personnel were on day patrolling, they received confidential information near Rajgir Road that Bholi Chaudhary, was storing and selling country-made Mahua liquor at his residence. Accordingly, the patrolling party proceeded to Gandhi

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Tola, where, at about 04:30 P.M., they saw a person coming out of a house who fled upon seeing the police vehicle and managed to escape through the narrow and winding lanes despite attempts to apprehend him. Upon search, two white polythene bags of 5 litres capacity each, containing approximately 10 litres of country-made Mahua liquor, along with another white polythene bag of 5 litres capacity containing the same liquor, were recovered, totaling approximately 15 litres. A seizure list was prepared, and thereafter, the present case was instituted.

4. Learned counsel for the petitioner submits that the seizure of the alleged liquor has been made from the house which is in joint possession, and merely on the basis of this petitioner residing in the said house, he has been implicated in the case, while no recovery has been made from the constructive possession of this petitioner. It has next been submitted that the petitioner is ready to co-operate with the investigation. It has lastly been submitted that the seizure is said to have been done in gross violation of Sections 103(5) and 105 of BNSS.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has

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not been recovered from the constructive possession and the fact that the petitioner has three antecedents, in all of which he is currently on bail, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Nawada, in connection with Hisua P.S. Case No. 485 of 2026 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023, and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State

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shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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