IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77160 of 2026

CNR No. BRHC011103692026

Arising Out of PS. Case No.-239 Year-2026 Thana- Excise P.S. District- Vaishali

==========

Chandan Chaudhary @ Aman Kumar Son of Vinod Chaudhary @ Vinod Kumar Chaudhary Resident of Village- Jadhua Matwalwa Ward no. 36, Ps- Nagar, Dist- Vaishali

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Ms. Shabina Talat, Adv.
Ms. Megha Kumari, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

==========

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-11-2026 Heard Ms. Megha, learned counsel for the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Hajipur Excise P.S. Case No. 239 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 12.08.2026 by the informant, Vikash Sinha.

3. As per the prosecution story, the informant alleged that on secret information, the place was raided. The person standing there managed to escape whereafter, the search took place and 9.930 liter foreign liquor recovered/seized from the verandah. This led to the FIR.

WEB COPY

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from an open place and not from the conscious possession of the house, he do not have criminal antecedent and only due to enmity, the Chowkidar has named him.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that the recovery/seizure is from the verandah.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from his conscious possession nor he has criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

WEB COPY

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. II cum District and Additional Sessions Judge, Vaishali at Hajipur in connection with Hajipur Excise P.S. Case No. 239 of 2026 subject to the following conditions:

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

(ii) the petitioner(s) shall be appearing before the Police Station as and when required for co-operating in the investigation;

(iii) the petitioner 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 bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be

WEB COPY

taken for the cancellation of the bail bonds;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

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

9. Before parting, this Court would like to put on record its word of appreciation for Ms. Megha Kumari for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Vijay Singh/-

U		T	

WEB COPY