IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77111 of 2026

CNR No. BRHC011107222026

Arising Out of PS. Case No.-123 Year-2026 Thana- KHUDWA District- Aurangabad

==========

Chhatthu Chauhan S/O RAdhe Chauhan R/O Village- Kalen, P.S- Khudwan, Distt.- Aurangabad. ... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

==========

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-11-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Khudwan P.S. Case No.123 of 2026 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 26.09.2026 by the informant, Birendra Pandit.

3. As per the prosecution story, the police on secret information, reached the place and there is recovery/seizure of 15 liters of country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, rather from the joint house and further he do not have criminal antecedent.

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

WEB COPY

2019(2) PLJR 1089 wherein it has been held that an application for anticipatory bail in a case arising of 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, Mr. Bharat Bhushan opposes the prayer.

7. Considering the submissions of the parties aforesaid and the judgment of **Ram Vinay Yadav (supra),** as also that he do not have criminal antecedent nor anything has been recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court 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 the like amount each in connection with Khudwan P.S. Case No.123 of 2026 to the satisfaction of learned Spl. Judge, Excise-II, Aurangabad subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family

WEB COPY

member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) 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;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) 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;

(v) 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.

(Rajiv Roy, J)

Ravi/-

U		T	

WEB COPY