IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76855 of 2026

CNR No. BRHC011113102026

Arising Out of PS. Case No.-823 Year-2026 Thana- EXCISE BAGHA District- West Champaran

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Dharmraj Chaudhary S/o Shri Rameshwar Chaudhary R/o vill- Khajuriya, Police Station- Ramnagar, District- West Champaran

... ... Petitioner/s

Versus

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

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Appearance :
For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s : Mr. Sharda Kumari, 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 Bagaha Excise P.S. Case No.823 of 2026, F.I.R dated 02.06.2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, a total of 41.54 litres of English liquor was recovered from the seized Tempo bearing Registration No. BR22PA6925, which was being driven by the co-accused, Dhiraj Kumar. The petitioner is the registered owner of the said vehicle, and a seizure list was prepared in the presence of two police constables.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case merely on the ground that he is the registered owner of the tempo from

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which the alleged recovery was made. It is submitted that the petitioner had entrusted the said tempo to one Dhiraj Kumar for the purpose of earning his livelihood who has already been apprehended along with other co-accused persons, however, it appears that the said vehicle was misused by him for the alleged purpose, which led to the institution of the present F.I.R. It has further been submitted that the petitioner was neither present at the place of occurrence nor was any incriminating article recovered from his conscious possession. Lastly, it has been submitted that the petitioner has clean antecedent and is ready and willing to cooperate with the investigation / trial.

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 not been recovered from the constructive possession and / or premises belonging to the petitioner and the petitioner has clean antecedent and the person from whose possession the said seizure has been made has already been arrested, accordingly, 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

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furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bagaha, West Champaran, in connection with Bagaha Excise P.S. Case No.823 of 2026 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 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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