IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77281 of 2026

CNR No. BRHC011119232026

Arising Out of PS. Case No.-674 Year-2026 Thana- MANER District- Patna

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Ashis Kumar @ Puchus @ Puchus Chaudhary S/O Mintu Chaudhary R/O Village- Kaji Mohalla, PS- Maner, District- Patna, Bihar- 801108

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Apurv Harsh, Adv.
Ms. Tanu Priya, Adv.
Mr. Manu Tripurari, Adv.
Mr. Raghu Raj Pratap, Adv.
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-11-2026 Heard Ms. Tanu Priya, learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Maner P.S. Case No. 674 of 2026, registered for the offences punishable under Sections 30(a) and 37 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip-off regarding the storage and sale of illicit wine, the police conducted a raid in the *dalan* of Kallu Chaudhary and noticing the police party, nine persons who were present there succeeded in fleeing away; out of them, six persons were apprehended. The apprehended person disclosed

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the name of the petitioner as one of the person who succeeded in fleeing away. In course of search, total 35 litres country made liquor was recovered.

4. Learned advocate for the petitioner submitted that admittedly save and except the disclosure made by the apprehended person, there is no incriminating material suggesting the complicity of the petitioner in crime. Even if the allegation is taken to be true, the alleged recovery has been made from the *dalan* of co-accused Kallu Chaudhary and the petitioner has neither any concern with the apprehended person nor with the place from where recovery has been made. There are various other discrepancies while carrying out the search and seizure, inasmuch as the witnesses to the search and seizure are none else but the police personnel, and while carrying out the same, video recording has also not been conducted and as such there is violation of Sections 103(4) and 105 of the BNSS. It is lastly contended that the petitioner bears fair antecedent.

5. On the other hand, learned advocate for the State vehemently opposed the bail application.

6. Considering the rival submissions advanced by learned advocate for the respective parties and taking note of the fact that the alleged recovery has been made from an open place

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easily accessible to all, and the petitioner has neither any concern with the place from where recovery has been made nor with the illicit wine, besides his fair antecedent and the lack of cogent materials which attract the rigors to maintain the anticipatory bail, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Danapur/concerned court in connection with Maner P.S. Case No. 674 of 2026 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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