

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85230 of 2025

Arising Out of PS. Case No.-122 Year-2025 Thana- Pachpakdi District- East Champaran

1. Rambabu Chaudhary S/O Ranjibh Chaudhary @ Bhikhar Chaudhary R/O Village- Pachpakri, P.S.- Pachapakri Dist.- East Champaran.
2. Dhiraj Chaudhary S/O Sarju Chaudhary R/O Village- Pachpakri, P.S.- Pachapakri Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) and 41(i) of Bihar Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case under the Excise Act and petitioner no.2 is a person with clean antecedent and allegation is of recovery of 295.200 litres of liquor from house of the petitioners. It is next submitted that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and the house in question is a joint



family property, as such, it cannot be alleged with certainty that it were petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and petitioners came to be implicated based on secret information, which is the easiest way to implicate without holding a proper investigation.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No.-1, East Champaran at Motihari in connection with Pachpakri P.S. Case No.122 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after



accepting the provisional bail bond of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedents of more than one case and petitioner no.2 has antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner no.1 has antecedent of only one case and petitioner no.2 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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