

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85558 of 2025**

Arising Out of PS. Case No.-280 Year-2025 Thana- NATHNAGAR District- Bhagalpur

Karu Choudhary @ Rajendra Choudhary Son of Arun Choudhary @ Arjun Choudhary Resident of Mohalla - Mahasay Dyodhi, Champa Nagar, Police Station - Nath Nagar, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Brajendra Nath Pandey

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      05-02-2026                      1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 30(d) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel submits that by order dated 18.12.2025, the case diary was called for but then the same till date has not been received. The Court will not wait endlessly for the case diary. It is next submitted that petitioner has antecedent of one case and allegation is of recovery of 10 litres of liquor from a house under construction of the petitioner. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and no



prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that since the house was under construction as such no member of the family was staying in the house but then the house was accessible to villagers at large and it appears that someone inimical to the family planted meager amount of liquor with an intent to implicate the family members and he came to be implicated at the instance of local person but then the name of person who disclosed the name of petitioner is not disclosed in the FIR, which casts an aspersion on the case of the prosecution.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nath Nagar P.S. Case No.280/2025, subject to the conditions as laid



down under Section 482(2) of the B.N.S.S.

6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than one case, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

7. At this stage, the learned counsel for the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs.2500/- with Advocates' Association, Patna High Court within a period of two weeks from today.

**(Satyavrat Verma, J)**

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