

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87978 of 2025

Arising Out of PS. Case No.-726 Year-2025 Thana- Excise P.S. District- Siwan

Rakesh Chaudhari S/O Bichchhu Chaudhari R/O village - Hassainganj,
Siwan, P.S.- Hussainganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) and 30(c) of
Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 80 litres of liquor from ruined house of the
petitioner along with 600 litres of Jawa Mahua jaggery solution,
which was destroyed. It is next submitted that petitioner was not
arrested from the spot, as such, nothing was recovered from his
conscious possession and the house from where the alleged
recovery of liquor is alleged is a ruined house where no one
stays and is accessible to villagers at large and it appears that



someone inimical to the family concealed meagre amount of liquor along with 600 litres of Jawa Mahua Jaggery solution with an intent to implicate the entire family members and the petitioner came to be implicated based on secret information, which is the easiest way to implicate someone without holding a proper investigation. It is also submitted that no prudent person would use his own premises for committing an occurrence and thus, would create evidence against himself and hence, would get implicated.

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

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, is directed to be released on provisional anticipatory bail on his furnishing bail-bond in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Siwan in connection with Siwan Excise P.S. Case No.726 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his 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 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

U		T	
---	--	---	--

