

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87413 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- Mahuli District- Sheikhpura

1. Nande Chaudhary @ Nandu Chaudhary S/O Dhobi Chaudhary Resident Of Village - Bhalua, P.s.- Mahuli, District - Sheikhpura.
2. Kishun Chaudhary S/O Dhobi Chaudhary Resident Of Village - Bhalua, P.s.- Mahuli, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sheo Nandan Prasad Mr.Rajnish Kumar Mr.Sweta Burnwal
For the Opposite Party/s :		Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-01-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a), (c) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of one case and the allegation is of recovery of 35 litres of liquor from the house of the petitioners.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the house in



question is a joint family property and thus, it cannot be alleged with certainty that it were the 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, 2018, the concept of deemed possession and presumed offender has been done away with and they came to be implicated at the instance of Chaukidar, but then, it is submitted that if Chaukidar was aware of the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which casts an aspersion on the case of the prosecution.

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

6. 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, is 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 the learned Trial Court where the case is pending/ successor Court in connection with Mahuli P. S. Case No.57 of 2025, subject to the



conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of more than 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 petitioners have antecedent of one case only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

vikash/-

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

