

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10323 of 2026

Arising Out of PS. Case No.-132 Year-2025 Thana- SAHAJITPUR District- Saran

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1. Sanoj Chaudhary @ Sanoj Kumar Chaudhary Son of Late Yogendra Chaudhary Resident of Sobhipur, P.S.- Janta Bajar, District - Saran.
 2. Sohan Chaudhary Son of Late Binda Chaudhary Resident of P.S.- , District - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirtunjay Kumar Tiwary
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-02-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. Learned counsel for the petitioners submits that the defect as pointed out by the office for providing typed copy of pleadings made at para-3 of the anticipatory bail application be ignored.

3. In view of the submission made by learned counsel for the petitioner, the office objection is hereby ignored.

4. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

5. Learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of two cases under the Excise Act and petitioner no. 2 is a person with clean antecedent and



allegation is of recovery of 7 litres of liquor from a motorcycle.

6. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and petitioner no. 2 came to be implicated based on the fact that he is owner of the seized vehicle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated, it is further submitted that petitioner no. 2 was completely unaware that his friend would misuse the vehicle in the manner as alleged, who also fled from the spot. It is next submitted that since petitioner no. 1 has antecedent of two cases under the Excise Act, as such he came to be implicated at the instance of *Chowkidar* with whom he is on an inimical term, when he was not even present at the place of occurrence.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Sahajitpur P.S. Case No. 132 of 2025, subject to the conditions as laid down under Section Section 482(2) of the BNSS.

9. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than two cases and petitioner no. 2 has antecedent of even one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner no. 1 has antecedent of two cases 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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