IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34672 of 2026

Arising Out of PS. Case No.-63 Year-2026 Thana- BOCHAHAN District- Muzaffarpur

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Mukesh Chaudhary @ Mukesh Kumar S/o Nandlal Chaudhary R/o Village - (Gopalpur), Aaitabarpur , Sarfudiupur, P.S - Bochahan, District - Muzaffarpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Hemant Kumar, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 20-08-2026 Heard Mr. Hemant Kumar, learned counsel appearing on behalf of the petitioner and Mr. Manoj Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bochaha P.S. Case No. 63 of 2026 registered for the offence(s) punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, altogether 46.410 litres of illicit liquor was recovered from a motorcycle bearing Registration No.BR06BR-2202 and from the house of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. Admittedly, at the

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time of the alleged seizure and recovery of illicit liquor, petitioner was not present and he has been made accused in this case, being the owner of the motorcycle in question, which was given by the petitioner to co-accused Md. Kayum in good faith and the same was being driven by him at the time of said incidence and as such the petitioner had no idea that he was carrying liquor on the said motorcycle. So far as recovery of liquor from the house of the petitioner is concerned, the petitioner resides in a joint family house where several family members reside, and he had no knowledge of the alleged liquor. He further submitted that the seizure was not conducted in accordance with the provisions of Section 100 of the Cr.P.C. On these grounds, learned counsel seeks that the petitioner be released on pre-arrest bail.

5. *Per contra*, learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R. and the fact that the motorcycle was being driven by the co-accused at the time of said incidence, to whom the petitioner has given in good faith and also the fact that recovery

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of illicit liquor was made from a joint house where several family members reside, and he had no knowledge of the alleged liquor kept therein, and also the fact that the seizure was not conducted in accordance with the provisions of Section 103 BNSS, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Concerned Court where the case is pending in connection with Bochaha P.S. Case No. 63 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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