

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19216 of 2025**

Arising Out of PS. Case No.-270 Year-2021 Thana- AURANGABAD TOWN District-  
Aurangabad

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Rahul Kumar S/o Sarekh Saw R/o vill - Pola Gordiha, P.S.- Amba, Distt.-  
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Madhuresh Singh  
For the Opposite Party/s : Mr.Dashrath Mehta

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

- 2      23-04-2025                      1. Heard learned counsel for the petitioner and  
learned APP for the State.
2. The petitioner seeks bail in anticipation of his  
arrest in a case registered for the offences punishable under  
Sections 30(a) and 37(b) of the Excise Act.
3. The learned counsel for the petitioner submits that  
the petitioner is a person with clean antecedent and the  
allegation is of recovery of 52.500 litres of liquor from a Swift  
Dzire Car.
4. The learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was  
recovered from his conscious possession, but he came to be  
implicated being owner of the motorcycle which was also seized



from the place of occurrence. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that petitioner was completely unaware that Shanti Bhushan, who had borrowed his motorcycle, would misuse the vehicle in the manner as alleged.

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

6. 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-bonds in the sum of Rs. 500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-cum- Special Judge, Excise Court No.1, Aurangabad in connection with Aurangabad Town P. S. Case No.270 of 2021, 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 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)**

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