

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23965 of 2025

Arising Out of PS. Case No.-103 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Rupesh Kumar Choudhary Son of Samir Choudhary Resident of Ward No.10,
Fathehpur Bela, Tajpur, P.S. - Musrigharari, District - Samastipur, Bihar -
848130

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Keshav Bhardwaj, Advocate
		Mr. Yash Sahay, Advocate
		Mr. Nikhil Kumar Agrawal, Adv
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-04-2025 1. Heard learned counsel for the petitioner, Shri Yash Sahay and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of 7 cases and allegation is of recovery of 35 litres of liquor from four vehicles as detailed in the FIR.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on the fact that he is owner of one 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 was completely unaware that Vikash would misuse the vehicle in the manner as alleged, who was also apprehended from the spot. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 35,000/- (Rupees Thirty Five Thousand) 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 Musrigharari P.S. Case No. 103 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and



in the event if it is found that petitioner has antecedent of more than seven case then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of seven case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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