

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28690 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- PARBATTIA District- Khagaria

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Pawan Kumar S/o Late Karyanand Jha Resident of Village- Akaha, PS-
Bharatkhand, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh

For the Opposite Party/s : Mr. Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-05-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 61(2) of the
BNS read with Sections 30(a) and 41(1) Bihar Excise Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of
recovery of 3072.6 liters of liquor from a Container.
4. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and is not the owner of
the seized Container and came to be implicated based on
confessional statement of apprehended accused in police
custody which does not have any evidentiary value. It is also



submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information.

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. 5,000/- (Rupees 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 Parbatta P.S. Case No. 27 of 2025 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned Trial Court after accepting the provisional anticipatory 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 more than one 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 shall not be confirmed, but in the event if it is found that petitioner has antecedent only one case in that event the provisional anticipatory bail bonds shall be confirmed forthwith.

8. At this stage, the learned counsel for the petitioner submits that petitioner has antecedent of one case only but inadvertently in the order impugned, it has been recorded that he has antecedent of two cases.

(Satyavrat Verma, J)

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