

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66548 of 2025

Arising Out of PS. Case No.-33 Year-2025 Thana- MATIYARIA District- West Champaran

Nagendra Rai S/O Shiv Rai R/O Vill.- Hardiya, P.s.- Shikarpur, Dist.- West
Champaran. At Present R/O Vill.- Hardiya, P.s.- Matiyaria, Dist.- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 10-10-2025 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 30(a) of the
Bihar Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and allegation is of
recovery of 20 litres of liquor and Dhamu along with Sohan
were arrested along with the motorcycle.
4. The 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 is not the
owner of the seized vehicle and he 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 similarly situated co-accused Niraj Mahto had approached this Court by filing Cr. Miscellaneous No. 37638 of 2025 and the same was allowed vide order dated 18.06.2025 and thus based on parity seeks anticipatory bail.

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. 10,000/- (Rupees ten 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 Matiyariya P.S. Case No. 33 of 2025 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 two cases 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 two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Ranjeet/-

U		T	
---	--	---	--

