

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65119 of 2025

Arising Out of PS. Case No.-148 Year-2025 Thana- KHAGARIA District- Khagaria

Md Abid Son of Md. Akhatar @ Akhtar Miyan @ Mohammad Akhtar
Resident of Village - Methaura, Ward no. 2, Paighambarpur, P.S. - Maniari,
Dist. - Muzaffarpur, Pin - 843119, at present R/o - Village - Debhog,
Bhabanipur @ Bhabanipu, P.S. - Haldia(M), Dist. - Purba Medinipur, State -
West Bengal, Pin - 721657.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 10-11-2025 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 275 of the
BNS read with Sections 30(a) and 41 of the Bihar Excise Act.
3. The case was taken up on 24.09.2025 when the
case diary along with criminal antecedent of the petitioner was
called for, but the same till date has not been received.
4. The Court will not wait endlessly for the case diary
and the criminal antecedent of the petitioner.
5. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of



recovery of 1164 liters of liquor from a truck.

6. Learned counsel for the petitioner submits that petitioner was not apprehended 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 the seized truck. 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 and at the same time will bring disrepute to the business, it is also submitted that petitioner was completely unaware that Subhash and Suraj would misuse the vehicle in the manner as alleged who were also apprehended from the spot.

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

8. 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. 500/- (Rupees Five Hundred) 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 Khagaria



P.S. Case No. 148 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. 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 even 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 order shall not be confirmed, but after verification if 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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