

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68177 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- SARAI RANJAN District- Samastipur

Krishna Chaurasia @ Krishna Chaurasaia @ Krishna Chaurasiya Son of
Ashok Chaurasia @ Ashok Chaurasiya Resident of Village - Narghogi, PS -
Sarairanjan, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 13-11-2025 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 offence punishable under Sections 30(a) and
41(i) and 41(ii) of Bihar Prohibition and Excise (Amendment)
Act, 2022.
3. Learned APP at the outset submits that in
compliance of the order dated 07.10.2025, a report has been
received from the office of the Superintendent of Police,
Samastipur, wherein the recovery of liquor made during his
tenure has been recorded.
4. Learned counsel for the petitioner submits that
petitioner had antecedent of two cases but at Para-3 only one



antecedent is pleaded for the reason that in the other case a compromise was filed and the case was disposed of by the Lok Adalat as such the said case was not pleaded by way of antecedent. It is next submitted that allegation is of recovery of 2752.965 litres of liquor from different vehicles. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of any of the seized vehicle and he came to be implicated at the instance of chowkidar but then it is submitted that if chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution. It is also submitted that police in mechanical manner investigates and implicates either at the instance of chowkidar, local person, secret information or confessional statement without holding proper investigation.

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 Court below 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 Sarairanjan P.S. Case No.109/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than two cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification 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)

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