

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68009 of 2025

Arising Out of PS. Case No.-900 Year-2025 Thana- Excise P.S. District- Muzaffarpur

Vivek Singh @ Vivek Kumar @ Diwakar Singh S/o- Late Fulgend Singh R/v-
Phanda PS - Paroo Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ritwik Thakur, Advocate
	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s :	Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-12-2025 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 Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and 2023.

3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases and allegation is of recovery of 155.520 litres of liquor from a four wheeler and a Scooty and 172.800 litres of liquor from a tractor along with 924.480 litres of liquor from a place where the tractor was parked, as such, total liquor recovered is 1252.800 litres i.e. from a four wheeler, Scooty, tractor and a place near the tractor.

4. Learned counsel for the petitioner submits that



petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that petitioner is not the owner of any of the seized vehicles. It is next submitted that even recovery of 924.480 litres of liquor from a place where tractor was parked does not belong to the petitioner and he came to be implicated based on the confessional statement of Ravi Prakash Kumar and Chhotu Kumar in police custody which does not have any evidentiary value in the eye of law. It is also submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically without holding a proper investigation of the case.

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, let 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.15,000/- (Rupees Fifteen 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



Excise P.S. Case No. 900 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than three cases, it would be presumed that petitioner had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner has antecedent of only three cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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