

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73575 of 2025

Arising Out of PS. Case No.-399 Year-2025 Thana- BAIRIYA District- West Champaran

Prince Kushwaha @ Prince Kumar @ Prinsh Kushwaha Son of Manoj Kushwaha @ Manoj Prasad Resident Of Village - Kata Chowk, Balua Rampurwa, P.S. - Bairiya, Dist. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad

For the Opposite Party/s : Ms. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2025 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 Section 30(a) of Bihar Prohibition and Excise Amendment Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases and allegation is of recovery of 103.200 litres of liquor from two motorcycles. 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 the seized vehicle and he came to be implicated based on the confessional statement of Abhishek 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.

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

5. 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.15000/- (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 Bairiya P.S. Case No.399/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. 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 three case, 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 three cases, in that event the provisional anticipatory bail order shall



be confirmed forthwith.

(Satyavrat Verma, J)

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