

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76345 of 2025

Arising Out of PS. Case No.-65 Year-2025 Thana- Fekla District- Darbhanga

Shivshakti Kumar @ Shivshakti Thakur S/o- Shri Varun Thakur @ Ijori
Thakur Resident of village- Bhorha Pokhar Bhinda, PS- Fekla, District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navendu Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition & Excise Act, 2016.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of five cases and allegation is of
recovery of 399.6 litres of liquor from the house of the
petitioner. It is next submitted that petitioner was not arrested
from the spot, as such, nothing was recovered from his
conscious possession and the house in question is the joint
family property and it cannot be alleged with certainty that it
was petitioner who had kept the liquor in the house or the liquor



kept in the house was within his knowledge and he came to be implicated at the instance of Chowkidar. It is next submitted that since he has antecedent of five criminal cases, the police implicated him in the instant case through Chowkidar without holding a proper investigation.

4. Learned A.P.P. opposes the anticipatory bail application.

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, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Court-I (Excise Act), Darbhanga in connection with Fekla P.S. Case No.65 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than five cases,



then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of only five cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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