

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80605 of 2025

Arising Out of PS. Case No.-248 Year-2025 Thana- BHAGWANPUR District- Vaishali

Niraj Kumar @ Neeraj Kumar S/O Bisheshwar Rai @ Visheshvar Ray
Resident of Village -Madhopur, P.S- Mahua, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of nine cases and allegation is of
recovery of 5257.065 litres of liquor from three different
vehiles. 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 vehicles
and he came to be implicated based on secret information which
is the easiest way to implicate someone. It is also submitted that
once an accused is implicated in a case relating to excise, the



police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information with 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-bond in the sum of Rs.45,000/- (Rupees Forty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No.248 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

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 nine 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 antecedents of only nine cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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