

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80070 of 2025

Arising Out of PS. Case No.-124 Year-2020 Thana- PATEPUR District- Vaishali

Surendra Singh @ Bhikhari Singh S/o- Late Ganesh Singh R/v- Maudah
Chatur Ps- Patepur 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. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-12-2025 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 Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of seven cases and allegation is of
recovery of 295.265 litres of liquor from a car. It is next
submitted that petitioner was not arrested from the spot, as such,
nothing was recovered from his conscious possession and he
came to be implicated based on the fact that he is owner of the
seized vehicle. It is next submitted that no prudent person would
use his own vehicle for committing an occurrence and thus,
would create evidence against himself and hence, would get



implicated. It is also submitted that petitioner was completely unaware that his driver would misuse the vehicle in the manner as alleged. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically 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.35,000/- (Rupees Thirty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-II-cum-District and Additional Sessions Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No.124 of 2020, subject to the conditions 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 antecedents of more than seven 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 seven cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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