

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81859 of 2025

Arising Out of PS. Case No.-299 Year-2025 Thana- NAVINAGAR District- Aurangabad

Gora Yadav @ Dharmendra Kumar S/O Shiv Yadav R/O Village-
Bhawanokhap, P.S- Nabinagar, Distt.- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2025 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.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of four cases out of which two cases
are under the Excise Act and allegation is of recovery of 14.05
litres of liquor from a sack. It is next submitted that petitioner
was not arrested from the spot, as such, nothing was recovered
from his conscious possession and even alleged recovery is
from a place which does not belong to the petitioner and is
accessible to public at large 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, secret information or confessional statement 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.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-cum-Exclusive Special Judge, Excise-I, Aurangabad, Bihar in connection with Nabinagar P.S. Case No.299 of 2025, 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 antecedent of more than four 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 four cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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