

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81515 of 2025

Arising Out of PS. Case No.-79 Year-2025 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Sushil Kumar Son of Arun singh R/o Village - Badiya, Ward no. 06, P.S. -
Simri Bakhtiyarpur, District -Saharsa, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 10 litres of liquor from a place behind 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 even alleged recovery from a place
which does not belong to the petitioner and he came to be
implicated based on the disclosure made by the local person but



the name of the petitioner who disclosed the name of the petitioner has not been disclosed in the FIR which casts an aspersion on the case of the prosecution when petitioner admittedly is a person with clean antecedent.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise)-II, Saharsa (Bihar) in connection with Bakhtiyarpur P.S. Case No.79 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 even one case, 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 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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