

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1362 of 2026

Arising Out of PS. Case No.-482 Year-2025 Thana- DEHRI TOWN District- Rohtas

Diwakar Kumar S/O Murali Singh R/O Village- New Diliya, Ward No. 21,
P.S- Dehri (T), Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-01-2026 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 three cases out of which one case
is under the Excise Act and allegation is of recovery of 716.5
litres of liquor from the garage of Neeraj Vishwakarma along
with two vehicles. 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 one of the seized motorcycles. 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 had given his motorcycle for repairing when the alleged liquor was recovered from the garage and the police in mechanical manner implicated the petitioner 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-bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No.-1, Rohtas at Sasaram in connection with Dehri Nagar P.S. Case No.482 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 bond 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 three 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 three cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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