

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4237 of 2026

Arising Out of PS. Case No.-25 Year-2025 Thana- GARKHA District- Saran

Upendra Singh S/o Late Mewa Lal Singh R/o Village - Bheldi Nawada, Post -
Bheldi, P.S - Bheldi, District - Saran at Chapra, Pin - 841402

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravikant, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-02-2026 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 (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of
recovery of 390 litres of liquor from four different motorcycles
and from a bag. 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 was completely unaware that his friend, Rahul Kumar would misuse the vehicle in the manner as alleged, who was also apprehended from the spot along with three other named accused persons.

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.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Excise Judge-1, Saran in connection with Garkha P.S. Case No.25 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 antecedent of more than 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 has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioner, based on instruction, submits that petitioner undertakes to deposit an amount of Rs.2500/- with High Court Legal Services Committee, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

U		T	
---	--	---	--

