

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5389 of 2026

Arising Out of PS. Case No.-333 Year-2025 Thana- DAWATH District- Rohtas

Surendra Singh @ Surendra Kumar Singh Son of Ram Dular Singh R/o
Village - Chhotaka Rajpur, P.S. - Tilak Rai ke Hata, Dist. - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, 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, 2018/2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of three cases and allegation is of
recovery of 354.81 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 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 Munna Yadav would misuse the vehicle in the manner as alleged, who was also apprehended from the spot. It is next submitted that off late police has started implicating the accused who have antecedents from before not under the Excise Act.

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 Judge, Excise Court No.-1, Rohtas at Sasaram in connection with Dawath P.S. Case No.333 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 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.

8. At this stage, learned counsel for the petitioner, based on instruction, submits that petitioner undertakes to deposit an amount of Rs.5,000/- with Lawyers' Association within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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