

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6192 of 2026

Arising Out of PS. Case No.-90 Year-2025 Thana- Sinha District- Bhojpur

Bhola Sah Son of Krishna Sah Resident of Village- Nathmalpur, P.S.- Sinha,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and Mr.
Rabindra Kumar, 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.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of eight cases, out of which, six cases
are under the Excise Act and allegation is of recovery of 25.92
litres of liquor from *Dalan* 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 *Dalan* is a
place outside the house and thus, is accessible to villagers at
large. It is further submitted that no prudent person would use
his own premises for committing an occurrence and thus, would



create evidence against himself and hence, would get implicated and the petitioner came to be implicated at the instance of Chowkidar but then it is submitted that if Chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution. 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, confessional statement or secret information 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.40,000/- (Rupees Forty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court 1st, Bhojpur at Ara in connection with Sinha P.S. Case No.90 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 eight 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 eight 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.10,000/- with High Court Legal Services Committee, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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