

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4711 of 2026

Arising Out of PS. Case No.-1091 Year-2025 Thana- MAHUA District- Vaishali

Rahul Singh @ Rahul Kumar Singh S/o- Ratnesh Singh Vill- Madhopur
Nijma PS- Mahua Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 31-01-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 274, 275 and 3(5) of the BNS, 2023 read with Sections 30(a), 32(i) and 41(i) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of 23 cases under the excise act and allegation is of recovery of 4406.4 liters of liquor from a truck.
4. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized truck and he came to be implicated based on confessional statement of apprehended accused in police



custody which does not have any evidentiary value. It is also submitted that petitioner in similar manner has been implicated in many of the cases which now has become his criminal antecedents. 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. It is reiterated and submitted that in similar manner, the petitioner earlier also came to be implicated.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 Trial Court within a period of six weeks from today, be released on Provisional anticipatory bail on furnishing bail bonds of Rs. 1,00,000/- (Rupees One Lakh) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Mahua P.S. Case No. 1091 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.



7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than 23 cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of 23 cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, the learned counsel for the petitioner, based on instruction, undertakes to deposit an amount of Rs. 10,000/- with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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