

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6054 of 2026

Arising Out of PS. Case No.-1 Year-2026 Thana- PATLIPUTRA District- Patna

Ashirwad Son of Binod Kumar Ojha Resident of Near Thakur Pd. Samudaik Bhawan, House No. 12, Kidwaipuri, P.O.- G.P.O., P.S.- Buddha Colony, Distt.- Patna (Bihar) 800001, Aadhar No. 561920182167

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate Mr. Roushan Kumar, Advocate
For the Opposite Party/s :		Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2026 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 30(a), 30(e) and 37 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 15 ml. of liquor along with three empty bottles from a restaurant.

4. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that no prudent person would use his own restaurant for



committing an occurrence and thus would create evidence against himself and hence would get implicated and at the same time shall bring disrepute to his business. It is next submitted that customers keep coming to the restaurant and it appears that someone slyly without the knowledge of the petitioner had brought the liquor for drinking and left the empty bottles. It is also submitted that petitioner came to be implicated based on the confessional statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law. It is further submitted that the brother of the petitioner was arrested being co-owner of the restaurant and he was made to confess the name of the petitioner, when petitioner admittedly is a person with clean antecedent.

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, let 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.500/- (Rupees Five Hundred) 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 Patliputra P.S. Case No. 01 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./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 if it is found that petitioner has antecedent of even one case, it would be presumed that petitioner had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner is a person with clean antecedent 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.1,500/- with the Advocate Association of the Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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