

Arising Out of PS. Case No.-140 Year-2020 Thana- DUMARIAGHAT District- East
Champanan

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr.Ratneshwar Prasad
For the Opposite Party/s : Mr.Gauri Shankar Gupta

2 15-04-2026 **1.** Heard learned counsel for the petitioner and

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 273, 274 and 34 of the IPC and Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 227.530 litres of liquor from a Bolero vehicle.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized vehicle and he came to be implicated based on confessional statement of Raja and Ajit in police custody which



does not have any evidentiary value. It is further submitted that of late police has started implicating accused with criminal antecedent, in cases relating to Excise for obvious reason without holding a proper investigation.

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. 5,000/- (Rupees Five Thousand) 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 Dumariyaghat (Dumariaghat) P.S. Case No. 140 of 2020 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 one case 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 one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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