

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16515 of 2026

Arising Out of PS. Case No.-795 Year-2025 Thana- DARIYAPUR District- Saran

=====

Sunil Rai S/O Late Yogendra Ray Resident of village - Barway, Police Station
- Dariyapur, District - Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-03-2026 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 offence punishable under Section 30(a) of the Bihar Excise Act.

3. The defect as pointed out by the Office is ignored.

4. Learned counsel for the petitioner submits that petitioner has antecedent of two cases out of which one case is under the Excise Act and allegation is of recovery of 28 liters of liquor from the place of occurrence.

5. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even alleged recovery is from a place which does not belong to the petitioner



and he came to be implicated based on secret information which is the easiest way to implicate someone. It is next submitted that informant alleges that he received secret information that petitioner was indulging in selling of liquor and when he reached the place of occurrence, petitioner fled and was identified by the *chowkidar*. It is next submitted that once an accused is implicated in a case relating to Excise, the police start implicating mechanically either at the instance of chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Dariyapur Excise P.S. Case No. 795 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.



8. 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 two 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 is a person has only two antecedents, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Gaurav Sinha/-

U		T	
---	--	---	--

