

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17064 of 2026

Arising Out of PS. Case No.-170 Year-2026 Thana- Excise P.S. District- Aurangabad

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Ankush Kumar S/O Gandhi Prasad Resident of Shahpur ward no. 27, P.S -
Aurangabad Town, Dist- Aurangabad (Bihar), Permanent Address- R/o Bodhi
Bigha, P.S.- Simra, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Adarsh Singh

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-03-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a), 32(3), 41(1) and 41(2) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case under the Excise Act
and allegation is of recovery of 0.15 litres of liquor from
possession of Sushil Kumar and 417.3 litres of liquor from
cowshed of Ankush Kumar and from a Suzuki car.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be



implicated based on the fact that he is owner of the seized car and cowshed, but then, it is submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that petitioner was completely unaware that his driver would misuse the vehicle in the manner as alleged as he was also apprehended at the spot. It is further submitted that petitioner has no concern or relation with Sushil Kumar and the cowshed belongs to him, but then, the cowshed is a place outside the house and is accessible to public at large.

5. Learned A.P.P. opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum 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 Aurangabad Excise P. S. Case No.170 of 2026, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds 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 one case, 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 antecedent of one case only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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