

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24836 of 2026

Arising Out of PS. Case No.-328 Year-2019 Thana- KARAHGAR District- Rohtas

=====

Suresh Pasi @ Saresh Pasi S/O Rameshwar Pasi @ Rameshwar Rai R/O
Village-Kurmorhi, PS-Sikarhatta, Distt- BHoipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 3 20-04-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Excise Act read with Sections 25(1-b) a, 26 and 30 of the
Arms Act.
3. The SHO, Kargahar P.S, in compliance of the order
dated 18.04.2026, is present in the Court.
4. Learned counsel for the petitioner submits that



petitioner is a person with clean antecedent and allegation is of recovery of 5440.14 liters of liquor from eight different vehicles and from a godown as detailed in the FIR along with a rifle, a pistol and 49 live cartridges from possession of Mahavir.

5. At this stage, the learned APP, based on instruction of the SHO, submits that anticipatory bail application is not maintainable for the reason that petitioner is not an accused in the case. It is submitted that it absolutely does not stand to reason that on what basis, the petitioner before the learned District Court moved an application seeking anticipatory bail on the ground that he came to be implicated based on the fact that he is owner of the seized vehicle when petitioner is not the owner of any of the seized vehicles.

6. The learned APP next submits that one of the seized vehicles belonged to Ram Bharos Singh, but then Ram Bharos Singh and his wife both died and they had three sons and two of them reside outside India at Dubai and the third son is also staying outside Bihar, as such, during the course of investigation someone gave information that vehicle of Ram Bharos Singh was purchased by the petitioner, as such, the Investigating Officer of the case called the petitioner to enquire that as to whether he has purchased the vehicle or not, but then



the petitioner denied purchasing the vehicle, thereafter, the said aspect was investigated and nothing transpired during the course of investigation connecting the petitioner with the offence.

7. The SHO, who is present in the Court, also asserts and submits that police never knocked the door of the petitioner since his involvement in the case has not transpired.

8. At this stage, the learned APP submits that he has gone through the case diary and from perusal of the same also it would manifest that nowhere the name of the petitioner figures nor Mahavir in his confessional statement has taken the name of the petitioner.

9. The learned APP, thus, submits that it appears that the petitioner, on wrong advice, filed the anticipatory bail application before the learned District Court.

10. Learned counsel appearing on behalf of the petitioner fairly submits, after going through the case diary brought by the SHO, that it appears that the petitioner based on wrong advice filed the anticipatory bail before the learned District Court, but then submits that since petitioner is not an accused in the case, as such, there was no apprehension.

11. After hearing the learned counsel for the parties, the anticipatory bail application is held not maintainable.



12. The personal appearance of the SHO, Kargahar P.S.
is dispensed with.

Rishabh/-
(Satyavrat Verma, J)

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

