

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27206 of 2026

Arising Out of PS. Case No.-308 Year-2026 Thana- Excise P.S. District- Gaya

Sunny Kumar @ Mithlesh Kumar S/O Ashok Ram R/O Vill.- Anand Ramna,
P.S- Civil Lines, Dist.- Gaya Jee

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya Ranjan

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2026 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 58.25 litres of liquor from an under construction house of Ashok. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and the house is under construction as such no one stayed in the house. It is next submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and



hence would get implicated. It is also submitted that petitioner came to be implicated based on confessional statement of his father Ashok in police custody which does not have any evidentiary value. It is also submitted that since petitioner has one antecedent hence police got him implicated through his father.

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

5. 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.5000/- (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 Sadar Excise P.S. Case No.308/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than one case, in that event, it would be presumed that petitioner had



concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification 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)

amit/-

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

