

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33327 of 2026

Arising Out of PS. Case No.-144 Year-2026 Thana- GAYA MUFASIL District- Gaya

Ajay Kumar @ Ajay Beldar @ Ajay Chauhan S/o Indradeo Beldar R/o vill -
Baradih, Gandhar, Baragandhar, P.S.- Mufassil, Distt.- Gayajee

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhandev Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-06-2026 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 offences punishable under Sections 318(4), 112(2) and 61(1) of the BNS, Section 11 of the Bengal Gambling Act, 1867 as well as Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that petitioner has antecedent of five cases and allegation is of recovery of 2.52 litres of liquor from the premises of a water park owned by the petitioner and 21 Scooty along with a motorcycle and a cycle was seized.

4. 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 being the owner of the water park. It is further submitted that water park is visited by several persons and it might be a possibility that someone entered the water park with meager amount of liquor for enjoyment. It is next submitted that petitioner is not the owner of any of the seized vehicles and came to be implicated based on the secret information which is the easiest way to implicate someone without holding a proper investigation of the case. It is also 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 lastly submitted that off late the police have started implicating accused with antecedent in cases relating to liquor 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 appearing on behalf of the petitioner, let 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.25,000/- (Rupees Twenty-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 Mufassil P.S. Case No. 144 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than five cases, it would be presumed that petitioner had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner has antecedent of only five cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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