

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34561 of 2026

Arising Out of PS. Case No.-264 Year-2025 Thana- EXCISE UDAKISHUNGANJ District-
Madhepura

Chhotu Singh @ Ashish Kumar Son of Papal Singh @ Barun Kumar Singh
R/o Ward No.8, P.S.- Alamnagar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-06-2026 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 offence punishable under Section 45 of the
Bihar Prohibition and Excise Act, 2018.

3. The Investigating Officer of the case, in
compliance of the order dated 15.05.2026, is present in the
Court.

4. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases under the Excise Act and
the informant alleges that on 27.12.2025, he got a secret
information that petitioner and Pappal Singh are indulging in
illegal trade of liquor, accordingly, the excise police reached the
house of the petitioner and thereafter all the accused persons



including the petitioner along with 4-5 other accused obstructed the raid and tried to confine the raiding team and even abused and assaulted and did not allow the team to search the house, accordingly, Alamnagar Police Station was informed and the backup came.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that house of the petitioner was raided but nothing was found, as such, a false case came to be instituted alleging that petitioner along with other accused obstructed the raiding team from performing their official duty. It is next submitted that in the FIR itself, it is alleged that additional force was called from Alamnagar Police Station and the force reached. It is also submitted that if the additional force came at the place of occurrence then why the house was not raided which amply demonstrates that the house was raided but nothing was found.

6. The Investigating Officer of the case, who is present in the Court, though supports the allegation as alleged in the FIR but then fairly submits that no one was assaulted.

7. At this stage, learned counsel appearing on behalf of the petitioner submits that once an accused is implicated in a



case relating to excise the police start implicating mechanically either at the instance of the Chawkidar, local person, confessional statement or secret information without holding a proper investigation of the case.

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

9. 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.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 Udakishunganj Excise P.S. Case No. 264 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

10. 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 two 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 two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

11. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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