

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32778 of 2026

Arising Out of PS. Case No.-137 Year-2026 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Ajay Kumar @ Swaminath Aarybala Son of Late Suresh Ray Resident of
Village -Dudhpura, ward 4, PS- Muffasil Distt -Samastipur

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Kumar
For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-05-2026 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 30(a),
41(1) and 41(2) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the
petitioner has antecedent of twelve cases out of which nine
cases are under the Excise Act and allegation is of recovery of
4924.8 litres of liquor from a truck.
4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and is not the owner of
the seized vehicle and he came to be implicated at the instance



of Chowkidar with whom he is on an inimical term. It is next submitted that if Chowkidar was aware about the involvement of the petitioner in the occurrence, then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation. It is also submitted that petitioner earlier also in similar manner came to be implicated in cases relating to Excise.

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 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. 60,000/- (Rupees Sixty 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 Samastipur Muffasil P.S. Case No. 137 of 2026, subject to the conditions as laid down under Section



482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than twelve cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of twelve cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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