

Arising Out of PS. Case No.-49 Year-2026 Thana- BARGAINIA District- Sitamarhi

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr.Dwij Raj
For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

2 03-07-2026 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 Section 30(a)(c) of the Bihar Excise Act and Sections 112(2) and 3(5) of BNS.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of five cases under the Excise Act and allegation is of recovery of 705.9 litres of liquor from the house and orchard of Ranjit and a motorcycle was seized and 207 litres of liquor was recovered from another motorcycle.

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 even the alleged recovery is from a place which does not belong to the petitioner and petitioner has no concern or relation with Ranjit and he came to be implicated based on confessional statement of Ranjit in police custody which does not have any evidentiary value. 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.

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 before the learned trial court 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 Bairgania P.S. Case No. 49 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 five 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 five cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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