

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45817 of 2026

Arising Out of PS. Case No.-349 Year-2026 Thana- AHIYAPUR District- Muzaffarpur

Nandu Rai @ Nandu Kumar Ray S/o Raghunath Rai @ Raghunath Ray R/o
Village - Patiyasa, P.S. - Ahiyapur(Garha O.P.), Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-07-2026 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 Sections 30(a) and
41 of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of 23 cases out of which 20 cases are
under the Excise Act and allegation is of recovery of 4798.08
litres of liquor from four different vehicles.

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 any of the seized vehicles 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. It is next submitted that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the 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 within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 1,00,000/- (Rupees one lakh) 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 Ahiyapur (Garaha) P.S. Case No. 349 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 23
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 23 cases in that event the provisional anticipatory
bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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