

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50213 of 2026

Arising Out of PS. Case No.-186 Year-2026 Thana- PATEPUR District- Vaishali

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Dashrath Rai @ Dashrath Kumar @ Dashrath Kumar Rai, S/O Mahendra Ray
R/O Vill. - Raghunathpur @ Majharabad @ Khesrahi, P.S. - Patepur
(Harilochanpur), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-07-2026 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 offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of eight cases under the Excise Act and
allegation is of recovery of 186.3 litres of liquor from a corn
field behind a school.

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 even the alleged
recovery is from a place which does not belong to the petitioner
and is accessible to villagers at large. It is further submitted that



petitioner came to be implicated at the instance of the Chawkidar with whom he is on an inimical term. It is next submitted that if the Chawkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also submitted 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. It is lastly submitted that petitioner in similar manner earlier also 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 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.40,000/- (Rupees Forty 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 Patepur P.S. Case



No. 186 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
eight 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 eight cases in that event the
provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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