

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49636 of 2026

Arising Out of PS. Case No.-444 Year-2026 Thana- BHAGWAN BAZAR District- Saran

Subash Kumar Ray @ Bhakur Ray @ Subhash Kumar Ray Son of Late
Ameerchand Ray Resident of Village- Chota Brahampur, P.S.- Bhagwan
Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raushan Raj

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 22-07-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Sri Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Excise Act.
3. Hard-copy of the supplementary affidavit is taken
on record.
4. Learned counsel for the petitioner submits that the
petitioner has antecedent of two cases out of which one case is
under the Excise Act as would manifest from supplementary
affidavit and allegation is of recovery of 5 litres of liquor from
cattle shed of the petitioner.
5. 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 the cattle shed is a place outside the house thus is accessible to villagers at large. It is next submitted that it appears that someone inimical to the petitioner planted meagre amount of liquor in order to implicate the entire family members and he came to be implicated at the instance of local people, but then the name of the person, who disclosed the name of the petitioner, is not disclosed in the FIR, which casts an aspersion on the case of the prosecution, when petitioner has not been implicated based on secret information.

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

7. 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. 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 Bhagwan Bazar P.S. Case No. 444 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

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

(Satyavrat Verma, J)

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