

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56723 of 2025**

Arising Out of PS. Case No.-909 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- East Champaran

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Kanhaiya Rai @ Kanhaiya Yadav Nandu Rai @ Nandu Ray Resident of  
village- Salempur, P.S.- Piprakothi, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar  
For the Opposite Party/s : Mr. Vinod Shanker Modi

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 3      05-01-2026                      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  
Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioner submits that  
petitioner has antecedent of two cases under the Excise Act and  
allegation is of recovery of 400 litres of spirit from a place  
behind the house of the petitioner. It is next submitted that  
petitioner was not arrested from the spot as such nothing was  
recovered from his conscious possession and even alleged  
recovery is from a place which is adjacent to the house of the  
petitioner as such he came to be implicated. It is next submitted



that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

5. 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 Court below 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 Excise P.S. Case No.909/2019, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than two cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if



on verification 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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