

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60274 of 2025

Arising Out of PS. Case No.-141 Year-2024 Thana- EXCISE PATORI District- Samastipur

Dharmendra Kumar @ Dharmendra Rai S/O Shobha Rai R/O Village-
Hetanpur Teliya Gachhi Ward No. 10, P.S- Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Prasad Roy, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that petitioner has antecedents of seven cases and allegation is of recovery of 178.200 litres of liquor from hut 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 the hut does not belong to the petitioner. It is next submitted that police in mechanical manner at the instance of local person implicated the petitioner in the instant case. It is reiterated and submitted that the hut does not belong to the



petitioner nor the FIR discloses the name of the person who disclosed the name of the petitioner which also casts an aspersion on the case of the prosecution. It is next submitted that since petitioner has criminal antecedents, as such, he came to be implicated in a case relating to excise also.

4. Learned A.P.P. opposes the anticipatory bail application.

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, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.35,000/- (Rupees Thirty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court-II, Samastipur in connection with Patori Excise P.S. Patori-141/2024, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedents of more than seven cases,



then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedents of only seven cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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