

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57180 of 2025

Arising Out of PS. Case No.-55 Year-2023 Thana- GRIYAK District- Nalanda

Ashish Kumar S/o- Nagendra Prasad R/o Village- Deepnagar PS - Deepnagar
Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suraj Kumar Suraj Kumar S/o Nawal Kishore Tianti R/o Mo. Mogal Kuan
P.O/P.S. - Sohsara Dist. - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 13-01-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.
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, 2018.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 6.750 litres of liquor from an Indio Car.
4. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is further submitted
that petitioner came to be implicated based on the fact that he is



owner of the seized vehicle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioner prior to the occurrence had already sold the vehicle to the opposite party no. 2.

5. Learned counsel appearing on behalf of the opposite party no. 2 does not dispute the said submission of the learned counsel appearing on behalf of the petitioner that the vehicle was sold to him but it is submitted that prior to the date of occurrence, the opposite party no. 2 had also sold the vehicle to Ravi Kumar.

6. Learned counsel for the petitioner, at this stage, submits that this amply demonstrates that how the police in a mechanical manner implicated the innocent person without holding a proper investigation of the case, when petitioner admittedly is a person with clean antecedent.

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

8. Considering the submissions made by the learned counsel for the petitioner, let 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.500/- (Rupees Five Hundred) 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 Giriyak P.S. Case No. 55 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C./482(2) of the BNSS.

9. 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 even one case, 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 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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