

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62736 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- MORO District- Darbhanga

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Biru Kumar @ Biru Yadav @ Akhilesh Rai @ Akhilesh Ray S/o Late
Jugeshwar Rai Resident of Village- Daghraul, P.S.- Bishanpur, Dist-
Darbhanga

... .. 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. Zainul Abedin, APP

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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 offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of seven cases, as would manifest from
supplementary affidavit, and allegation is of recovery of 13.8
litres of liquor from a bush. 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 does not belong to the petitioner and is
accessible to public at large and he came to be implicated based



on confessional statement of Gulshan in police custody which does not have any evidentiary value. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically without holding a proper investigation.

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 Exclusive Special Judge-II, (Excise Act), Darbhanga in connection with Moro P.S. Case No.57 of 2025, 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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