IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74989 of 2026

CNR No. BRHC011040522026

Arising Out of PS. Case No.-239 Year-2026 Thana- DEV District- Aurangabad

==========

Harsh Kumar @ Chhotu @ Nepali S/o Krishna Chaurasiya @ Krishna Prasad Chaurasiya R/o Village- Baraee Bigha, P.S- Deo, Distt.- Aurangabad.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Ms. Mukul Kumari
For the Opposite Party/s : Mr. Akbar Ali

==========

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 28-10-2026 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 131.5 litres of liquor from field of Krishna Prasad Chaurasiya.

4. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated based on the fact that he is son of Krishna Prasad

WEB COPY

Chaurasiya and was identified from CCTV footage, but then it is submitted that no prudent person would use his own field for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is next submitted that someone inimical to the family concealed the liquor in the field which is the place outside the house with an intent to implicate the entire family members. It is reiterated and submitted that petitioner is a person with clean antecedent.

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

6. 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.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 Deo P. S. Case No.239 of 2026, G.R. No.365 of 2026, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after

WEB COPY

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

(Satyavrat Verma, J)

vikash/-

U		T	

WEB COPY