

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82482 of 2025

Arising Out of PS. Case No.-882 Year-2025 Thana- Excise P.S. District- Aurangabad

Rudal Kumar S/o Mangru Rai Resident of - Karorichak, Devi Sthan, P.S -
Phulwari sharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 21-01-2026 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
Sections 30(a), 30(c), 30(d) and 32(3) of the Excise Act.
3. The learned counsel for the petitioner submits that
the case was taken up on 17.12.2025 when a report was called
for from the Secretary, Prohibition, Excise and Registration
Department, Government of Bihar and the Director General of
Police, Bihar with regard to action taken to implement the
prohibition in the State of Bihar in its true spirit, but the report
till date has not been received.
4. The Court will not wait endlessly for the report.
5. The learned counsel for the petitioner next submits



that the petitioner is a person with clean antecedent and allegation is of recovery of 210 litres of spirit along with 3240 empty bottles of liquor from a truck.

6. 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 owner of the seized truck. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated and at the same time would bring disrepute to his business. It is further submitted that petitioner was completely unaware that his driver and khalasi would misuse the vehicle in the manner as alleged who were also apprehended from the spot, but then, they have been enlarged on regular bail.

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

8. 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 Excise P. S. Aurangabad Case No.882 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. 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 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)

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