

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79523 of 2025

Arising Out of PS. Case No.-248 Year-2025 Thana- BHAGWANPUR District- Vaishali

Sumangal Kumar Rai @ Shiv Mangal Rai Son of Ram Ji Rai @ Ramjee Raay
R/o Vill.- Manpura, Police Station - Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-01-2026 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 (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of eleven cases out of which ten cases
are under the Excise Act and allegation is of recovery of
5257.065 litres of liquor from three different vehicles. It is next
submitted that petitioner was not arrested from the spot, as such,
nothing was recovered from his conscious possession and is not
the owner of any of the seized vehicles and he came to be
implicated based on secret information which is the easiest way
to implicate someone. It is next submitted that once an accused



is implicated in a case relating to excise, the police starts implicating mechanically without holding a proper investigation either at the instance of Chowkidar, local person, confessional statement or secret information.

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-bond in the sum of Rs.55,000/- (Rupees Fifty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No.-1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No.248 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 eleven 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 eleven cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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