

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82386 of 2025

Arising Out of PS. Case No.-115 Year-2025 Thana- RISIYAP District- Aurangabad

Chhotu Kumar @ Prakash Kumar S/O Butan Paswan @ Upendra Paswan
R/O Village- Sundarganj, P.S- Risiup, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-02-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a) and
41 of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the
case was taken up on 10-12-2025, when case diary was called
for, but then the same till date has not been received.
4. The court will not wait endlessly for the case diary.
5. Learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and allegation is of
recovery of 4.4 litres of liquor from a place in front of the house
of co-accused Mukesh.
6. Learned counsel for the petitioner submits that the



petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even the alleged recovery is from a place which does not belong to the petitioner and petitioner has no concern or relation with Mukesh, but then he came to be implicated based on confessional statement of Mukesh in police custody which does not have any evidentiary value.

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

8. 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 trial court within a period of six weeks from today, be released on Provisional anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) 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 Risiup P.S. Case No. 115 of 2025, subject to the conditions as laid down under Section 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 in the event if it is found that petitioner has antecedent of more



than two cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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