

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85643 of 2025

Arising Out of PS. Case No.-313 Year-2020 Thana- NAUGACHIA District- Bhagalpur

Awadhesh Kumar @ Awadhesh Kumar Ray Son of Harekrishna Ray Resident
of Ward No. 17, Musepur, P.S.- Begusarai, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 30(a) and 38(i) of
Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of three cases out of which one case
is under the Excise Act and allegation is of recovery of 1685.88
litres of liquor from a truck. 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 the truck
and he came to be implicated based on confessional statement of
Purushottam Kumar Singh in police custody, which does not
have any evidentiary value.



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.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-cum-Additional District & Sessions Judge-II, Naugachhiya in connection with Naugachhiya P.S. Case No.313 of 2020, 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 bond 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 three 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 three cases, in that event,
the provisional anticipatory bail order shall be confirmed
forthwith.

(Satyavrat Verma, J)

Sanjay/-

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