

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89855 of 2025

Arising Out of PS. Case No.-313 Year-2025 Thana- KATEYA District- Gopalganj

Brjesh Kumar Pandey Son of Baliram Pandey @ Vali Ram Pandey Resident
of Village- Pararia, Ps- Mufassil (Siwan), Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-01-2026 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 41(1) of
Bihar Prohibition and Excise (Amendment) Act, 2022 as well as
Sections 317(5) and 3(5) of B.N.S., 2023.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case under the Excise Act and
allegation is of recovery of 255.72 litres of liquor from a
motorcycle and a car. It is next submitted 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 car. It is next submitted that
no prudent person would use his own vehicle for committing an



occurrence and thus, would create evidence against himself and hence, would get implicated. It is also submitted that petitioner was completely unaware that his friend would misuse the vehicle in the manner as alleged, who was also apprehended from the spot.

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.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-XIII-cum-Special Excise Court No.- 1, Gopalganj in connection with Kateya P.S. Case No.313 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 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 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 has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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