

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91409 of 2025

Arising Out of PS. Case No.-134 Year-2025 Thana- Excise P.S. District- Nawada

Sagar Kumar S/O Subodh Kumar R/O Village - Warisaliganj Chiraiya, P .S -
Warisaliganj, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nidhi Anand, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-01-2026 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 47 of Bihar Prohibition and Excise Act, 2018 & 2022.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case under the Excise Act and allegation is of recovery of 237.24 litres of liquor from along with 174 litres of beer from a bus. 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 seized bus and came to be implicated based on confessional statement of Rahul Sharma in police custody which does not have any evidentiary value. It is also submitted that once an



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

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 Exclusive Special Prohibition and Excise Court (II), Nawada in connection with Nawada Excise P.S. Case No.134 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 antecedent 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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