

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89075 of 2025

Arising Out of PS. Case No.-28 Year-2023 Thana- BASANTPUR District- Siwan

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Rana Sukanta Kundu Son of Ratanlal Kundu Resident of - 13/8C Arif Raod,
Kolkata, Ultadanga Main Road, S.O., P.S.- Ultadanga, District - Kolkata
(West Bengal) 700067.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-01-2026 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 272, 273, 328, 308,
304, 120(B) and 34 of the Indian Penal Code as well as Sections
30(a), 37(b), 33 and 34 of Bihar Prohibition and Excise Act,
2016.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 50 litres of spirit along with 50 Kgs. of Alum and 10
litres of liquor from the houses of seven different accused
persons. It is next submitted that petitioner was not arrested
from the spot, as such, nothing was recovered from his



conscious possession and not a single litre of liquor, spirit or Alum was recovered from his house and he came to be implicated based on a receipt, which was seized from the house of Deepak Kumar relating to purchase of some lubricants/chemicals from the shop of the petitioner at West Bengal. It is next submitted that this amply demonstrates that how police in mechanical manner investigates and implicates. It is also submitted that petitioner is a resident of West Bengal.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, Siwan in connection with Basantpur (Lakri Nawiganj O.P.) P.S. Case No.28 of 2023, 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 even 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 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioner, based on instruction, submits that petitioner undertakes to deposit an amount of Rs.1500/- with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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