

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89176 of 2025

Arising Out of PS. Case No.-110 Year-2025 Thana- BAIRGACHHAI District- Araria

Afroz @ Md. Afroz S/o Late Rashid R/o Village- Rampur Mohanpur Pashim,
Ward No 10, P.S.-Baigachhi, District- Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. Learned counsel for the petitioner submits that
petitioner has antecedents of three cases out of which two cases
are under the Excise Act and allegation is of recovery of 4 litres
of liquor from a motorcycle. 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 vehicle. 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 also fled 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-bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-1st, Araria in connection with Bairgachhi P.S. Case No.110 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 bonds 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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