

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89235 of 2025

Arising Out of PS. Case No.-419 Year-2025 Thana- BAHERA District- Darbhanga

Guddu Kamat @ Jay Kamat Son of Faguni Kamat Resident of Village-
Pandasarai, Ward No. 48, P.S.- Laheria Sarai, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-01-2026 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 (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of eight cases under the Excise Act,
as would manifest from the supplementary affidavit and
allegation is of recovery of 1842.12 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 seized truck and he came
to be implicated based on his antecedents. It is next 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, confessional statement or secret information 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.40,000/- (Rupees Forty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II, (Excise Act), Darbhanga in connection with Bahera P.S. Case No.419 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 eight 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 eight cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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