

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90485 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- Khesar District- Banka

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Pawan Kumar son of Lal Muni Yadav R/o - Amhara Nimia, Ps- Belhar, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Nivedita Nirvikar, Senior Advocate
		Ms. Riya Raj, Advocate
		Ms. Shashi Priya, Advocate
		Mr. Shashank Shekhar, Advocate
For the Opposite Party/s :		Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-01-2026 Heard Ms. Nivedita Nirvikar, learned Senior Counsel

assisted by Ms. Riya Raj 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, 2018.

3. Learned Senior Counsel for the petitioner submits

that petitioner is a person with clean antecedent and allegation is

of recovery of 27 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 is not

the owner of the seized vehicle and he came to be implicated



based on confessional statement of Gautam Kumar in police custody which does not have any evidentiary value.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned Senior 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 the learned Court of Special Judge Excise No.2, Banka in connection with Khesar P.S. Case No.50 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 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.

(Satyavrat Verma, J)

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