

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4692 of 2026

Arising Out of PS. Case No.-373 Year-2025 Thana- PARSABAZAR District- Patna

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Ashwani Kumar S/o- Krishna Prasad Resident of Bishunpur Pakri, P.S- Beur,
Po- Bishunpur Pakri, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Sinha, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 31-01-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 30(d) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of one case under the excise act and allegation is of recovery of empty liquor bottle from a restaurant.
4. Learned counsel for the petitioner submits that petitioner was not apprehended 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 restaurant. It is next submitted that no prudent person would use his own



premises for committing an occurrence and thus would create evidence against himself and hence would get implicated and at the same time shall bring disrepute to his business, it is further submitted that petitioner was completely unaware that customer came with liquor without the knowledge of the petitioner, but then petitioner came to be implicated in a mechanical manner by the police merely for the reason that he owns the restaurant. It is further submitted that in similar manner earlier also the petitioner was implicated.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Parsa Bazar P.S. Case No. 373 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial



Court 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 seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of one case only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, the learned counsel for the petitioner, based on instruction, undertakes to deposit an amount of Rs. 5000/- with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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