

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5378 of 2026

Arising Out of PS. Case No.-215 Year-2025 Thana- PRATAPGANJ District- Supaul

Shiv Kumar Sardar S/o Gosay Sardar @ Chhedi Sardar R/o Village- Sripur,
Ward No.07, P.S- Pratapganj, Dist- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-02-2026 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 is a person with clean antecedent and allegation is of
recovery of 75 litres of liquor from straw house of the petitioner.
It is next submitted that petitioner was not arrested from the
spot, as such, nothing was recovered from his conscious
possession and straw house is a place outside the house and
thus, is accessible to villagers at large. It is also 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. It is next submitted that it appears that someone inimical to the family concealed meager amount of liquor in the straw house of the petitioner with a view to implicate him and his family members and petitioner came to the implicated based on secret information, which is the easiest way to implicate someone 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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of learned Special Exclusive Excise Court No.2, Supaul in connection with Pratapganj P.S. Case No.215 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 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 Lawyers' Association within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

U		T	
---	--	---	--

