

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4411 of 2025

Arising Out of PS. Case No.-436 Year-2024 Thana- ALOULI District- Khagaria

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1. Manoj Paswan, S/O Late Ramotar Paswan Resident of Village-Rampur Alauli, P.S- Alauli, District- Khagaria.
 2. Pappu Paswan, S/O Late Ramotar Paswan Resident of Village-Rampur Alauli, P.S- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2025 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that
the petitioner no1. has antecedent of four cases and petitioner
no.2 has antecedent of three cases and allegation is of recovery
of 30 litres of liquor from a place in front of bathan of Dinesh
Paswan.

4. The learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and even alleged recovery is from a place, which does not belong to the petitioners and they came to be implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value. It is also submitted that once an accused is implicated in a case relating to excise case, the police starts implicating mechanically.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on **provisional anticipatory bail** on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge 1st, Khagaria in connection with Alauli P. S. Case No.436 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court thereafter shall verify the criminal antecedent of the petitioners



and in the event, if it is found that petitioner no.1 has antecedent of more than four cases and petitioner no.2 has antecedent of more than three cases, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner no.1 has antecedent of only four cases and petitioner no.2 has antecedent of only three cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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