

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17818 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- SIKARPUR District- West Champaran

Raju Sah @ Raju Prasad Son of Shambhu Sah @ Shambhu Prasad Resident
of Village - Sriwastwa Colony, Ward No. 1, Narkatiyaganj, P.S. - Shikarganj,
District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a) and 41(1) of the Excise Act.

3. The learned counsel for the petitioner submits
that the petitioner has antecedent of nine cases and all the
nine cases are under Excise Act and allegation is of
recovery of 1166.58 litres of liquor from a tractor and a
scooty was also seized which was parked near the place of
occurrence.

4. The learned counsel for the petitioner submits



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 tractor and scooty and he came to be implicated based on confessional statement of Sanjeev 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, the police starts implicating mechanically either at the instance of chaukidar, local person, confessional statement or secret informant without holding a proper investigation.

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

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.45,000/- (Rupees Forty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-II, Bettiah, West Champaran in connection



with Shikarpur P. S. Case No.04 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

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 more than nine cases, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of only nine cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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