

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25107 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- Excise P.S. District- Samastipur

Sanni Yadav @ Ravi Kumar @ Sanni Son of Ramashray Roy @ Ramashray
Yadav Resident of Ward 13, Jitwarpur Nizamat, PS - Muffasil, Dist-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yash Sahay, Advocate Mr. Keshav Bhardwaj, Advocate Mr. Nikhil Kumar Agrawal, Advocate
For the Opposite Party/s :	Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-05-2025 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 offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of five cases under the Excise Act and
allegation is of recovery of 1147.09 litres of liquor from a hut
like house alleged to have been captured by the accused persons
including the petitioner.
4. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is further submitted



that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that liquor was recovered from a hut which is alleged to have been captured by the accused persons including the petitioner but then no case ever came to be instituted alleging that the hut has been captured by the petitioner by the owner of the hut. It is next submitted that once an accused is implicated in a case relating to excise, the police start implicating mechanically without holding a proper investigation. It is also submitted that in the instant case, the petitioner came to be implicated at the instance of the local person but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution. It is further submitted that the police in excise cases has started implicating mechanically either at the instance of the Chawkidar, local person, secret information or confessional statement.

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, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



provisional anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Samastipur Sadar Excise P.S. Case No. 62 of 2025, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than five cases, it would be presumed that petitioner had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner has antecedent of only five cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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