

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25485 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- SARAI RANJAN District- Samastipur

Ram Kumar Paswan S/O Prem Lal Paswan R/O Sherpur Narsari, Barah Batta,
Barbatta, P.S.- Sarai Ranjan, Dist- Samastipur, Bihar- 848127.

... .. 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. Iftekhar Mahmood- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-05-2025 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 Section 30(a) and 41(1) and 42(2) of the Excise Act.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 3124.5 litres of liquor from a truck and a bolero.
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 any of the seized vehicle and he came to be implicated at the instance of Chaukidar. It is further submitted that it absolutely



does not stand to reason that on what basis, the chaukidar identified the petitioner when petitioner is not known to him. It is also submitted that in cases relating to excise, the police starts implicating mechanically either at the instance of chaukidar, local person, secret informant and confessional statement 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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-II, Samastipur in connection with Sarai Ranjan P. S. Case No.39 of 2025, 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 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 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 has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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