

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28462 of 2025

Arising Out of PS. Case No.-53 Year-2022 Thana- OBRA District- Aurangabad

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1. Rajendra Yadav S/o- Late Surya Dayal Yadav Village- Mahadewa PS-Obra District- Aurangabad Bihar
 2. Vinod Yadav S/o- Ramjeet Yadav Village- Mahadewa PS-Obra District- Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of four cases and petitioner no.2 has antecedent of six cases and all cases are under the excise act and allegation is of recovery of 40 litres of liquor concealed in a bush near a river bank. It is next submitted 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 is accessible to public at large and they came to be implicated based on secret information which is the easiest way to implicate someone. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically without proper investigation either through chowkidar, local person, confessional statement or secret information.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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 from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.30,000/- (Rupees thirty thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Obra P.S. Case No.53/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents 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 six cases, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if on verification it is found that petitioner no.1 has antecedent of four cases and petitioner no.2 has antecedent of six cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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