

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73530 of 2025

Arising Out of PS. Case No.-295 Year-2025 Thana- MAIRWAN District- Siwan

Chandan Yadav S/o- Late Ramadhar Yadav Resident of Village - Imlauli
Kabirpur, P.S. - Mairwa, District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2025 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) of the Excise Act.

3. Learned counsel for the petitioner submits that
inadvertently at para-3, it has been pleaded that petitioner is a
person with clean antecedent when he has antecedent of one
case. It is next submitted that allegation is of recovery of 52.5
liters of liquor from a motorcycle. It is next submitted that
petitioner was not apprehended from the spot, as such, nothing
was recovered from his conscious possession and is not the
owner of the seized vehicle and he came to be implicated based
on confessional statement of Vicky 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.

4. The learned APP opposes the anticipatory bail application.

5. Considering the submissions made by 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.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Siwan in connection with Mairwa P.S. Case No.295 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. 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 one case only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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