

Arising Out of PS. Case No.-264 Year-2025 Thana- Excise P.S. District- Madhubani

Santosh Kumar Yadav@ Santosh Kumar @ Santosh Yadav Son of Rajdeo  
Yadav Resident of Village - Kuadh, Ward No.- 2, P.S.- Jaynagar, District -  
Madhubani.

... .. Petitioner/s

Versus

## The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Jha  
For the Opposite Party/s : Mr.Shailendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3     18-11-2025               **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 offences punishable under Sections 30(a) and 62 of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the case was taken up on 15-10-2025, when case diary along with antecedent report of the petitioner was called for, but then the same till date has not been received.

4. The court will not wait endlessly for the case diary and the antecedent report.

5. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of



recovery of 1154.160 litres of liquor from asbestos near the government tank.

6. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even the alleged recovery is from a place which does not belongs to the petitioner and is accessible to public at large and he came to be implicated at the instance of local person, but then it is submitted that police in mechanical manner investigates and implicates either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. At this stage, the learned counsel for the petitioner submits that inadvertently at para-1 as well as in the prayer portion, it has been typed “corresponding to G.O No. 804/2025”, thus seeks permission to delete the said GO number.

9. Permission is accorded.

10. 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 trial court



within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) 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 Madhubani Excise P.S. Case No. 264 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

**11.** It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of even one case then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

Sumit/-

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