

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71889 of 2025

Arising Out of PS. Case No.-247 Year-2025 Thana- MADHAURAH District- Saran

Chandeshwari Nut @ Chandeshwar Nut Son of Saral Nut R/o Village - Bajit
Bhoraha, P.S. - Marhowrah, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-10-2025 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) of the Excise Act.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of five cases and allegation is of recovery of 120 litres of liquor along with 2000 litres of raw materials which were destroyed at the place of occurrence.
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 even alleged recovery is from a place at village Bajit Bhorha Chhanwar. It is further submitted that alleged recovery is from place which does



not belong to the petitioner and is accessible to public at large. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chaukidar, local person, secret information or confessional statement.

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.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 02nd Exclusive Special Excise Judge, Saran at Chapra in connection with Madhaura P. S. Case No.247 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

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 five cases,



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 five cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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