

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73080 of 2025

Arising Out of PS. Case No.-238 Year-2019 Thana- BAISI District- Purnia

1. Biplab Halder S/O Parimal Halder R/o Vill.- Bidhan Pally, Ward No. 10, P.S.- Dalkhola, District- Uttar Dinajpur (West Bengal)
2. Shyamal Biswas @ Shyamal Das @ Shyam Biswas S/O Dharendra Nath Biswas R/o Mohalla -PWD Para, Ward No. 09, P.S.- Dalkhola, District- Uttar Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Adv.
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-10-2025 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 offences punishable under Sections 272 and 273 of the Indian Penal Code read with Sections 30(a), 33, 41 and 47 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of two cases and allegation is of recovery of 16000 liters of liquor from two trucks.

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and is not the



owner of any of the seized vehicles. It is also submitted that since petitioner was earlier implicated in two cases relating to excise, as such, the police implicated him mechanically in the instant case based on confessional statement of apprehended accused. It is next submitted that petitioners have no relation or concern with the apprehended accused.

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

6. 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 Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Baisi P.S. Case No. 238 of 2019 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that any of the petitioners have antecedent of more than two cases then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their



antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioners have antecedent of two cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

