

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73687 of 2025

Arising Out of PS. Case No.-361 Year-2024 Thana- CHIRAIYA District- East Champaran

Lalu Kumar Son of Sarblal Rai @ Sarablal ray Resident Of Village- Sapgadha
Ps -Chiraiya Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-11-2025 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
Sections 30(a) and 41(1) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedents of two cases but inadvertently at
para-3 it has been pleaded that petitioner has antecedent of one
case. It is next submitted that allegation is of recovery of 140
litres of liquor from two motorcycles. It is next submitted that
petitioner was not present at the place of occurrence, as such,
nothing was recovered from his conscious possession and is not
the owner of the seized vehicle. It is also submitted that once an
accused is implicated in a case relating to excise, the police



starts implicating mechanically without holding a proper investigation either based on confessional statement or at the instance of local villagers or secret information

4. Learned A.P.P. opposes the anticipatory bail application.

5. 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.10,000/-/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.3, East Champaran, Motihari in connection with Chiraiya P. S. Case No.361 of 2024, 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 two 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 only two criminal antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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