

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73584 of 2025

Arising Out of PS. Case No.-52 Year-2024 Thana- RAHIKA District- Madhubani

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1. Lalu Singh @ Lalu Kumar Singh @ Lalu Mahato S/O Ramudgar Singh @
 Ram Udgar Mahato R/O Vill- Yogia P.S.- Ladaniya, District-Madhubani
 2. Dharma Yadav @ Dharmendra Kumar Yadav @ Dharma Bhai S/O Mahesh
 Yadav R/O Vill- Yogia P.S.- Ladaniya, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2025 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 279, 337, 338, 272, 273, 34 of the Indian Penal Code and Sections 30(a), 41(1) of Bihar Prohibition and Excise Act and Section 139 of Electricity Act.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case under the Excise Act and petitioner no.2 has antecedent of two cases under the Excise Act and allegation is of recovery of 450 litres of liquor from a Scorpio vehicle. It is next submitted that petitioners were not



arrested from the spot as such nothing was recovered from their conscious possession and are not the owner of the seized vehicle and they came to be implicated based on secret information which is the easiest way to implicate someone. 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 chowkidar, local person, confessional statement or secret information, without holding a proper investigation.

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

5. 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 Court below 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 Rahika P.S. Case No.52/2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the



event if it is found that petitioner no.1 has antecedent of more than one case and petitioner no.2 has antecedent of more than two cases, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of two cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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