

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73529 of 2025

Arising Out of PS. Case No.-248 Year-2025 Thana- RAJEPUR District- East Champaran

Nutnesh Kumar @ Ratnesh Kumar @ Nutaneshwar Kumar @ Ratnesh S/O
Raj Kishor Prasad R/O Vill.- Bara, P.S.- Rajepur, Distt.- East Champaran at
Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2025 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) of the Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of three cases and allegation is of
recovery of 39.3 liters of liquor from a vacant land situated
adjacent to the house of the petitioner. It is next submitted 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 which does not belong to the petitioner
but then is adjacent to his house and he came to be implicated



based on suspicion by the local villagers but the name of the villager who disclosed the name of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution.

4. The learned APP opposes the anticipatory bail application.

5. Considering the submissions made by 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.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.3, East Champaran at Motihari in connection with Rajepur P.S. Case No.248 of 2025, 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 three 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 three cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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