

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75432 of 2025

Arising Out of PS. Case No.-180 Year-2025 Thana- THALI District- Nawada

1. Shivdani Ram @ Dani Ram S/O Late Yamuna Ram R/O Village- Jaipur, P.S.- Thali, District- Nawada
2. Ashok Ram S/O Rajendra Ram R/O Village- Jaipur, P.S.- Thali, District- Nawada
3. Ram Khelawan Ram S/O Yamuna Ram R/O Village- Jaipur, P.S.- Thali, District- Nawada
4. Tulsi Ram S/O Golu Ram R/O Village- Jaipur, P.S.- Thali, District- Nawada
5. Vikash Ram S/O Late Yamuna Ram R/O Village- Jaipur, P.S.- Thali, District- Nawada
6. Pravesh Ram S/O Girja Ram R/O Village- Jaipur, P.S.- Thali, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-11-2025 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 30(a) and 41 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioner Nos. 1, 3, 4 have antecedent of one case and petitioner Nos. 2, 5, 6 are persons with clean antecedent and allegation is of recovery of 2000 litres of fermented jawa mahua from Jaipur



forest.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even the alleged recovery is from a place which does not belongs to the petitioners and is accessible to public at large and they came to be implicated at the instance the *Chowkidar*, but then it is submitted that if the *Chowkidar* was aware about the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution. It is further submitted that it appears that *Chowkidar* in order to save real culprit, falsely implicated the petitioners.

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. 5,000/- (Rupees Five 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 Thali P.S. Case No. 180 of 2025, subject to the conditions as laid down under Section 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 petitioner Nos. 1, 3, 4 have antecedent of more than one case and petitioner Nos. 2, 5, 6 have antecedent of even one case 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 with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner Nos. 1, 3, 4 have antecedent of one case and petitioner Nos. 2, 5, 6 are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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