

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75202 of 2025

Arising Out of PS. Case No.-398 Year-2025 Thana- BAIRIYA District- West Champaran

Santosh prasad Son of Madan Prasad @ Mhan Prasad R/o Ward No. 07 -
Malahi Tola, Balua Rampurwa, P.S. - Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Umesh Kumar Gupta, Advocate
For the State	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-11-2025 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 offence punishable under
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of two cases and the allegation is of
recovery of 3.4 litres of liquor from a plastic bag.

4. The learned counsel for the petitioner submits 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
and he came to be implicated at the instance of Chowkidar with
whom he is on inimical term. It is also submitted that police in



mechanical manner investigates and implicates either at the instance of Chowkidar, local person, confessional statement or secret information in a mechanical manner.

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

6. Considering the submissions made by the learned counsel for the petitioner, 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 Special Judge (Excise), First, Bettiah, West Champaran in connection with Bairiya P. S. Case No.398 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

8. 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 antecedent of only two cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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