

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76114 of 2025

Arising Out of PS. Case No.-276 Year-2025 Thana- Excise P.S. District- Samastipur

1. Rajesh Kumar S/O Late Shyam Sah @ Shyam Kumar Sah Resident of Village- Motipur Ward No.- 25, P.S.- Tajpur, District- Samastipur
2. Santosh Kumar S/O Late Binod Sah Resident of Village- Motipur Ward No.- 25, P.S.- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-11-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent and the allegation is of recovery of 169.40 litres of liquor from a bush.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even alleged



recovery is from a bush, which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of villagers. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the behest of Chaukidar, local person, secret information and confessional statement without holding a proper investigation.

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

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum 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 Excise Sadar P. S. Case No.276 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after



accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent 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 even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 no.1 has antecedent of only one case and petitioner no.2 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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