

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80715 of 2025**

Arising Out of PS. Case No.-210 Year-2018 Thana- FATUA District- Patna

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1. Sikendra Yadav @ Sikandra Kumar @ Sikendra Singh S/O Late Jaglal Yadav @ Jaglal Singh R/O Village - Bhagwanpur, P.S- Fatuha, Distt.- Patna.
  2. Chhotu Kumar S/O Jhoudi Yadav @ Jhauri Singh R/O Village - Bhagwanpur, P.S- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      10-12-2025                      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 petitioners have antecedent of two cases and allegation is of recovery of 10 litres of liquor from bank of Punpun river.
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 they came to be implicated during the course of investigation based on secret



information. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically. It is also submitted that the case is of the Year 2018, but till date, no process under Sections 82 and 83 Cr.P.C. has been issued.

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. 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 Fatuha P. S. Case No.210 of 2018, 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 petitioners have antecedent of more than two



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

9. It is further made clear that the learned trial Court shall also verify that as to whether process under Section 82 Cr.P.C. has been issued against the petitioners or not, in the event, if it is found that process under Section 82 Cr.P.C. has been issued against the petitioners, in that event also, the provisional anticipatory bail bonds shall not be confirmed, but if no process under Section 82 Cr.P.C. has been issued, in that event, the provisional anticipatory bail shall be confirmed forthwith.

**(Satyavrat Verma, J)**

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