

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81523 of 2025

Arising Out of PS. Case No.-396 Year-2023 Thana- Excise P.S. District- Madhepura

1. Nitish Kumar S/o Satyanarayan Mehta @ Satto Mehta R/o vill - Bhelwa, P.S.- Gamhariya, Distt.- Madhepura
2. Pradeep Yadav @ Paltal Yadav @ Pradeep Kumar S/o Rajendar Yadav R/o vill - Bhelwa, P.S.- Gamhariya, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-12-2025 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case and petitioner no. 2 has antecedent of three cases and allegation is of recovery of 18.540 litres of liquor from the house of petitioner no. 1.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that the house in question is a joint family property, as



such, it cannot be alleged with certainty that it was the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge. It is next submitted that petitioners came to be implicated at the instance of the local persons but then it is submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically either at the instance of the Chawkidar, local persons, secret information or confessional statement.

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, let 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.15,000/- (Rupees Fifteen 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 Madhepura (Sadar) Excise P.S. Case No. 396 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than one case and petitioner no. 2 has antecedent of more than three cases, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner no. 1 has antecedent of only one case and petitioner no. 2 has antecedent of only three cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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