

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81196 of 2025

Arising Out of PS. Case No.-261 Year-2025 Thana- SONBERSA District- Sitamarhi

1. Jay Kishor Kumar S/O Harinarayan Mahto Resident of Village- Bhaluaha, P.S.- Sonbarsa, Dist.- Sitamarhi.
2. Kundan Kumar S/O late Rajnarayan Singh @ Late Rajkishore Singh Resident of Village- Laxmipur, P.S.- Sonbarsa, Dist.- Sitamarhi.
3. Kamod Kumar S/O Ganesh Mahto Resident of Village- Tilangahi, P.S.- Bhutahi, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-12-2025 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 offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 have antecedent of one case and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 810 liters of liquor from a motorcycle.

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession and are not the owner of the seized vehicle and they came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that police of late implicates in false cases of excise either at the instance of *Chowkidar*, local person, confessional statement or secret information without holding a proper investigation.

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 Sonbarsa P.S. Case No. 261 of 2025 subject to the conditions as laid down under 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 and 2 has



antecedent of more than one case and petitioner no. 3 has 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, but after verification if it is found that petitioner nos. 1 and 2 have antecedent of one case only and petitioner no. 3 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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