

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79937 of 2025

Arising Out of PS. Case No.-82 Year-2025 Thana- SINGHWARA District- Darbhanga

Dhayani Yadav @ Dhyani Kumar Yadav S/o Late Pragash Yadav @ Ram
Prakash Yadav R/o Village- Pakrihar (Katka), P.S- Singhwara, Dist-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-12-2025 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 offences punishable under
Section 318(4) of the B.N.S. and Sections 30(a)(c)(d)(e)(g), 33,
36 of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of seven cases under the Excise
Act and allegation is of recovery of 89.25 litres of liquor from
the house and courtyard of Ashok Mishra along with raw
materials used for manufacturing liquor along with four
motorcycles.

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 based on confessional statement of Navin in police custody, which does not have any evidentiary value. It is also submitted that petitioner is not the owner of any of the seized vehicle, but then, it is 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 petitioner, the 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.35,000/- (Rupees Thirty Five Thousand) 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 Singhwara P. S. Case No.82 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than seven 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 seven cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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