

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81900 of 2025

Arising Out of PS. Case No.-430 Year-2025 Thana- BALIYA District- Begusarai

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1. Sashi Yadav @ Shashi Yadav @ Sashikant Yadav S/O Late Ram Bilash Yadav R/O Village- Pokhariya, P.S- Ballia, Distt.- Begusarai.
 2. Mohan Yadav S/O Sunil Yadav R/O Village- Pokhariya, P.S- Ballia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shivam Perna

Ms. Lovely Kumari

For the Opposite Party/s : Ms. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 23-12-2025 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) and 41(1) of the Excise Act.

3. The learned counsel for the petitioners submits that
the petitioner no.1 has antecedent of two cases and petitioner
no.2 has antecedent of three cases and the allegation is of
recovery of 105 litres of liquor from a motorcycle and 35 litres
of liquor from a place near a brewery along with one
motorcycle.

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 are not the owners of any of the seized vehicle and they came to be implicated based on confessional statement of Lalit in police custody, which does not have any evidentiary value. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner 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. 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 Ballia P. S. Case No.430 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 two cases and petitioner no.2 has antecedent of more than three 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 petitioner no.1 has antecedent of two cases only and petitioner no.2 has antecedent of three cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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