

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86969 of 2025

Arising Out of PS. Case No.-561 Year-2018 Thana- SARAIYA District- Muzaffarpur

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Jitendra Kumar Sah @ Jitendra Kumar Son of Baidya Nath Sah @ Benga Sah
@ Jugeshwar Sah Resident of Village- Kamalpura, P.S.- Paroo, District-
Muzaffarpur and at present resident of Garamur Majuli 785104, P/A Namrup
Bangali Gaon, P.O.- Parbatpur, P.S.- Naharkatiya, District- Dibrugarh, Assam,
786623

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore
For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-12-2025 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 272 and 273 of the I.P.C. and Sections 30(a), 38 and 41
of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 2877.84 litres of liquor from godown of the
petitioner.
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. It is next submitted that no prudent person would use his own premises for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that godown is used for business purposes and as such, it appears that some employee of the petitioner without his knowledge concealed the liquor in the godown and thereafter, implicated him based on confessional statement of Anil Rai in police custody, which does not have any evidentiary value. It is also submitted that police mechanically implicates without holding a proper investigation, when admittedly petitioner is a person with clean antecedent. It is also submitted that no prudent person would use his own premises for committing a crime and thus, would bring disrepute to his business.

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.500/- (Rupees Five Hundred) 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 Saraiya P. S. Case No.561 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, 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 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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