

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1075 of 2026

Arising Out of PS. Case No.-289 Year-2025 Thana- Excise P.S. District- Madhepura

Chhotu Mandal @ Chhotu Kumar S/O Late Ramnath Mandal R/o Vill-
Murliganj, Ward No-4, P.S-Murliganj, Dist-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Wasi Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of five cases out of which four cases
are under the Excise Act and allegation is of recovery of 45
litres of liquor from house of Kajal Devi. It is next submitted
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 petitioner has no relation or concern with Kajal Devi but
then he came to be implicated based on confessional statement



of Kajal Devi in police custody which does not have any evidentiary value. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

4. Learned A.P.P. opposes the anticipatory bail application.

5. 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-bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousnd) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Excise Judge-II, Madhepura in connection with Madhepura Excise P.S. Case No.289 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bond 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 five 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 of only five cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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