

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2242 of 2026

Arising Out of PS. Case No.-440 Year-2025 Thana- TURKAULIYA District- East
Champaran

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1. Rakesh Kumar Kushwaha S/o Dharamdeo Bhagat R/o Village- Semara
Bhola Tola, P.S- Turkauliya, Dist- East Champaran, Motihari.
 2. Sujet Paswan @ Sujet Kumar S/o Sadhu Paswan R/o Village- Semara
Haudi Tola, P.S- Turkauliya, Dist- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-01-2026 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 Sections 30(a) and
41(1) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and allegation is of
recovery of 37 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 petitioner
no. 1 came to be implicated based on the fact that he is owner of



the seized vehicle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated, it is further submitted that petitioner no. 1 was completely unaware that his friend would misuse the vehicle in the manner as alleged and they came to be implicated at the instance of Chowkidar since petitioner no. 2 is on an inimical term with the Chowkidar.

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. 500/- (Rupees Five Hundred) 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 Turkauliya P.S. Case No. 440 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 any of the petitioners have 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 petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, the learned counsel for the petitioners, based on instruction, undertakes to deposit an amount of Rs. 2,000/- with Advocates' Association, Patna High Court.

(Satyavrat Verma, J)

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