

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4389 of 2026

Arising Out of PS. Case No.-245 Year-2025 Thana- KUNDWACHAINPUR District- East
Champaran

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Sadam Alam @ Mir Sadam @ Md Sadam son of Mir Islam Resident of
village- Bakhari Khajuri PS- Dhaka District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-01-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a) and
41(1) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner files a
supplementary affidavit which is taken on record.

4. Learned counsel for the petitioner submits that
petitioner has antecedent of eight cases under the Excise Act and
allegation is of recovery of 522 litres of liquor from the house of
the accused persons.

5. 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 the alleged



recovery is from a place which does not belong to the petitioner and he came to be implicated based on the secret information which is the easiest way to implicate someone without holding a proper investigation of the case. It is further submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically either at the instance of the Chawkidar, local person, confessional or secret information statement without holding a proper investigation of the case.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his 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.40,000/- (Rupees Forty 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 Kundwa Chainpur P.S. Case No. 245 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

8. It is made clear that thereafter the learned trial



court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than eight cases, it would be presumed that petitioner had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner has antecedent of only eight cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

9. At this stage, learned counsel for the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs.10,000/- with the Lawyers' Association of the Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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