

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5536 of 2026

Arising Out of PS. Case No.-181 Year-2025 Thana- Excise Jhanjharpur District- Madhubani

Santosh Kumar Yadav @ Santosh Yadav S/o Rajaram Yadav Resident of
Village- Vishnupur, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 30(a), 32(1) and
32(3) of Bihar Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of four cases under the Excise Act
and allegation is of recovery of 270 litres of liquor from an auto.
It is next submitted that petitioner was not arrested from the
spot, as such, nothing was recovered from his conscious
possession and is not the owner of the seized vehicle and came
to be implicated based on confessional statement of Md. Wasim
in police custody, which does not have any evidentiary value. It
is next 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.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court, Jhanjharpur in connection with Excise Jhanjharpur P.S. Case No.181 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 four 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 antecedents of only four cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioner, based on instruction, submits that petitioner undertakes to deposit an amount of Rs.7,500/- with High Court Legal Services Committee, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

U		T	
---	--	---	--

