

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5025 of 2026

Arising Out of PS. Case No.-328 Year-2025 Thana- EXCISE SHERGHATI District- Gaya

1. Shiv Pujan Kumar Son of Bijli Yadav R/o Village - Bheriya, P.S. - Dhangay, Dist. - Gaya Ji.
2. Suma Kumari D/o Krishnadev Yadav R/o Village - Bheriya, P.S. - Dhangay, Dist. - Gaya Ji.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-02-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(A), 32(C) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.2 is a woman and the allegation is of recovery of 13.65 litres of beer from a motorcycle.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and petitioner no.2



came to be implicated based on the fact that she is owner of the seized motorcycle. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that petitioner no.2 was completely unaware that Dilkhush would misuse the vehicle in the manner as alleged as he was also apprehended at the spot and he came to be implicated based on confessional statement of Dilkhush in police custody, which does not have any evidentiary value.

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

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum 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 Excise Sherghati P. S. Case No.328 of 2025, 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 petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 petitioners are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

9. At this stage, the learned counsel appearing on behalf of the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs.1500/- with Advocate Association, Patna High Court, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

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