

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10337 of 2026

Arising Out of PS. Case No.-770 Year-2018 Thana- FATUA District- Patna

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1. Sikandar Yadav @ Sikandar Kumar S/O Late Jaglal Yadav R/O Village- Bhagwanpur Devarsaukhi, P.S- Fatuha, Distt.- Patna.
 2. Chotu Kumar S/O Jhauri Singh @ Jhauri Yadav R/O Village- Bhagwanpur Devarsaukhi, P.S- Fatuha, Distt.- Patna.
 3. Suraj Kumar S/O Jhauri Singh @ Jhauri Yadav R/O Village- Bhagwanpur Devarsaukhi, P.S- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushant Pratap Singh
For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2026 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 Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of seven cases out of which six cases are under the Excise Act, petitioner no.2 has antecedent of seven cases out of which five cases are under the Excise Act and petitioner no.3 is a person with clean antecedent and the allegation is of recovery of 300 litres of liquor from a



mustard field near Punpun river.

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 even alleged recovery is from a place, which does not belong to the petitioners and is accessible to public at large and they came to be implicated based on secret information, which is the easiest way to implicate someone. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation. It is also submitted that petitioners in similar manner earlier also came to be implicated in cases relating to excise.

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. 35,000/- (Rupees Thirty Five Thousand) 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 Fatuha P. S. Case No.770 of 2018, 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 petitioner nos.1 and 2 have antecedent of more than seven cases and petitioner no.3 has 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 petitioner nos.1 and 2 have antecedent of seven cases only and petitioner no.3 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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