

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7613 of 2026

Arising Out of PS. Case No.-357 Year-2025 Thana- LADANIA District- Madhubani

1. Sikandar Yadav @ Sikendra Yadav S/O Krishnadev Yadav R/O Village- Bishunpur, P.S. - Ladaniya (Ladania), District - Madhubani, Bihar.
2. Durgesh Yadav S/O Sunil Yadav R/O Village- Bishunpur, P.S. - Ladaniya (Ladania), District - Madhubani, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2026 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 274, 275 and 3(5) of BNS and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of nine cases, out of which six cases are under the Excise Act and petitioner no.2 has antecedent of six cases, out of which, four cases are under the Excise Act and allegation is of recovery of 1005.15 litres of liquor from a mango orchard of petitioner no.1 along with a



motorcycle. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and the mango orchard does not belong to the petitioner no.1 but since petitioners have antecedent under the Excise Act, as such they came to be implicated at the instance of chowkidar. It is also submitted that petitioners are not the owners of any of the seized vehicle. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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 from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.45,000/- (Rupees forty 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 Ladaniya P.S. Case No.357/2025, subject to the conditions



as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 has antecedent of more than nine cases and petitioner no.2 has antecedent of more than six cases, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found that petitioner no.1 has antecedent of nine cases and petitioner no.2 has antecedent of six cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith

(Satyavrat Verma, J)

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