

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9022 of 2026

Arising Out of PS. Case No.-380 Year-2025 Thana- Excise P.S. District- Samastipur

1. Abhishek Kumar @ Balak S/o- Bhola Sahni Resident of village- Sambhupatti, Police Station- Karpurigram, District-Samastipur.
2. Krishna Murari @ Murari Kumar S/o- Kameshwar Mahto @ Kameshwar Singh Resident of village- Sambhupatti, Police Station - Karpurigram, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-03-2026 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of five cases under the Excise Act and petitioner no. 2 has antecedent of eight cases out of which two cases are under the Excise Act and allegation is of recovery of 954.720 litres of liquor from a secret basement of the courtyard of Rakesh Kumar.

4. 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 the alleged recovery is from a place which does not belong to the petitioners and petitioners have no concern or relation with Rakesh Kumar and they came to be implicated based on the secret information which is the easiest way to implicated someone. 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, secret information or confessional statement without holding a proper investigation of the case.

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

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners, above-named, in the event of their arrest or surrender 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) 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 Sadar P.S. Case No. 380 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.



7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than five cases and petitioner no. 2 has antecedent of more than eight cases, it would be presumed that petitioners had concealed their 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 no. 1 has antecedent of only five cases and petitioner no. 2 has antecedent of only eight cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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