

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10141 of 2026

Arising Out of PS. Case No.-530 Year-2025 Thana- KESARIA District- East Champaran

1. Kirani Rai Son of Jamidar Rai Resident of village -kadhan, Ps- Kesariya, Dist- East Champaran
2. Jitendra Kumar Son of Kirani Rai Resident of village -kadhan, Ps- Kesariya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

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 offences punishable under Sections 274 and 275 of the BNS read with Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of six cases under the Excise Act and petitioner no. 2 has antecedent of four cases under the Excise Act and allegation is of recovery of 165 liters of liquor from a kiln at village Kadhan Diyara.

4. Learned counsel for the petitioners submits that petitioners were not apprehended 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 nor petitioners are owner of the kiln and they came to be implicated at the instance of Chowkidar with whom they are on an inimical term. It is next submitted that if Chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also 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. It is also submitted that petitioners earlier in similar manner came to be implicated in cases relating to excise.

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, the petitioners above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs.



30,000/- (Rupees Thirty 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 Kesariya P.S. Case No. 530 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than six cases and petitioner no. 2 has antecedent of more than four cases then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner no. 1 has antecedent of six cases only and petitioner no. 2 has antecedent of four cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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