

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12316 of 2026

Arising Out of PS. Case No.-498 Year-2025 Thana- TURKAULIYA District- East
Champaran

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Sanjeev Kumar @ Sanjeev Kumar Yadav Son of Hiraban Rai Resident of
Village- Jaisinghpur Chiutahi, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 27-02-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 274, 275
and 3(5) of the BNS, 2023 read with Sections 30(a)(b)(c), 32(2)
(3), 33, 36 and 41(1)(2) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of 14 cases out of which 12 cases are
under the excise act and allegation is of recovery of 336.7 liters
of liquor from the house of Prabhawati and 17.68 liters of liquor
from the house of Pratima Devi.

4. Learned counsel for the petitioner submits that
petitioner was not apprehended from the spot as such nothing



was recovered from his conscious possession and even alleged recovery is from a place which does not belong to the petitioner and petitioner has no concern or relation with Prabhawati and Pratima, but then he came to be implicated based on confessional statement of Prabhawati in police custody which does not have any evidentiary value. 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 petitioner earlier in similar manner also came to be implicated.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 70,000/- (Rupees Seventy Thousand) 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



Turkauliya P.S. Case No. 498 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 petitioner and in the event if it is found that petitioner has antecedent of more than 14 cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of 14 cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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