

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17359 of 2026**

Arising Out of PS. Case No.-281 Year-2025 Thana- Excise P.S. District- Madhubani

Md. Asgar Ali @ Md. Asgar Son of Md. Ladale Sah Resident of village-  
Inarava, Khajauli, Ps- Khajauli, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                       |
|----------------------------|---|-----------------------|
| For the Petitioner/s       | : | Mr. Bhavesh Kumar Sah |
|                            |   | Ms. Archana Anand     |
| For the Opposite Party/s : |   | Mr. Rajesh Kumar      |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      19-03-2026                      1. Heard learned counsel for the petitioner and  
learned APP for the State.
2. The petitioner seeks bail in anticipation of his  
arrest in a case registered for the offences punishable under  
Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that  
the petitioner is a person with clean antecedent and allegation is  
of recovery of 45 litres of liquor from a motorcycle along with  
one loaded pistol and two live cartridges were also recovered  
from possession of Pawan Kumar Sahni and a motorcycle was  
seized.
4. The learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession and he came to be implicated based on the fact that he is owner of the seized motorcycle. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that petitioner was completely unaware that Pawan would misuse the vehicle in the manner as alleged as he was also apprehended at the spot and from whose possession the pistol was recovered. It is further submitted that a separate FIR being Khajauli P. S. Case No. 172 of 2025 has been instituted for offences under Sections 25(1-B)a and 26 of the Arms Act against Pawan. It is next submitted that petitioner is not an FIR accused in Khajauli P. S. Case No. 172 of 2025 which amply demonstrates that petitioner was not present at the place of occurrence.

5. Learned A.P.P. opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the



sum of Rs.500/- (Rupees Five Hundred) 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 Sadar Excise P. S. Case No.281 of 2025, 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his 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 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

9. The learned Trial Court thereafter shall verify that as to whether petitioner is a named accused in Khajauli P. S. Case No. 172 of 2025 or not, in the event, if it is found that petitioner is a named accused in Khajauli P. S. Case No. 172 of 2025, in that event, the present provisional anticipatory bail bonds shall not be confirmed, but if it is found that petitioner is



not a named accused in Khajauli P. S. Case No. 172 of 2025, in  
that event, the provisional anticipatory bail bonds shall be  
confirmed forthwith.

**(Satyavrat Verma, J)**

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