

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16431 of 2026

Arising Out of PS. Case No.-358 Year-2025 Thana- DORIGANJ District- Saran

1. Tetari Devi W/o Nanhak Nut @ Byas Nut R/o Village - Musepur Nut Toli, P.S - Doriganj, District - Saran at Chapra
2. Bhuli Nut S/o Mahendra Nut R/o Village - Musepur Nut Toli, P.S - Doriganj, District - Saran at Chapra
3. Ajay Kumar @ Ajay Kumar Nut @ Ajay Nut S/o Ranjan Nut R/o Village - Musepur Nut Toli, P.S - Doriganj, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2026 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits
that the petitioner no.1 has antecedent of three cases under
the Excise Act, petitioner no.2 has antecedent of two cases
under the Excise Act and petitioner no.3 is a person with
clean antecedent and the allegation is of recovery of 102
litres of liquor from a place near bank of a pond and 100



litres of semi-fermented liquor which was destroyed at the spot.

4. The 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 alleged recovery is from a place, which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of local person, but the name of the person, who disclosed the name of the petitioners is not disclosed in the F.I.R., which casts an aspersion on the case of the prosecution. It is also submitted that petitioners have not been implicated based on secret information. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation.

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

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen 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 Doriganj P. S. Case No.358 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 petitioners 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 three cases, petitioner no.2 has antecedent of more than two cases and petitioner no.3 has antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 no.1 has antecedent of three cases only, petitioner no.2 has antecedent of two cases only and petitioner no.3 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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