

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15923 of 2026

Arising Out of PS. Case No.-360 Year-2025 Thana- DORIGANJ District- Saran

1. Govinda Nut S/o Mogal Nut R/o Village - Musepur Nut Toli,P.S - Doriganj, District - Saran at Chapra
2. Kallu Nut @ Kallu Nat @ Kallutha Nut @ Kalluatha Nut S/o Lallan Nut R/o Village - Musepur Nut Toli,P.S - Doriganj, District - Saran at Chapra
3. Chotan Nut S/o Parsuram Nut R/o Village - Musepur Nut Toli,P.S - Doriganj, District - Saran at Chapra
4. Tetari Devi W/o Nanhak Nut @ Byas 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. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-04-2026 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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case under the Excise Act, petitioner no. 3 has antecedent of two cases under the Excise Act, petitioner no. 4 has antecedent of three cases under the Excise Act and petitioner no. 2 is a person with clean antecedent



and petitioner no. 4 is a woman. It is next submitted that allegation is of recovery of 100 liters of liquor along with 100 liters of semi fermented liquor from a place near a pond and 10 liters of liquor along with 115 liters of semi fermented liquor from a place near the house of Lala Chaudhary.

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 and petitioners have no concern or relation with Lala Chaudhary and they came to be implicated at the instance of local person, but then the name of the person who disclosed the name of the petitioners is not disclosed in the FIR which casts an aspersion on the case of the prosecution, when they have not been implicated based on secret information. 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.

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. 15000/- (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. 360 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 one case, petitioner no. 2 has antecedent of even one case, petitioner no. 3 has antecedent of more than two cases and petitioner no. 4 has antecedent of more than three 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 with respect to that petitioner who had concealed his antecedent but after verification if it is found that petitioner no. 1 has antecedent of one case only, petitioner no. 2 is a person with clean antecedent, petitioner no. 3 has antecedent of two cases only and petitioner no. 4 has antecedent of three cases only in that event



the provisional anticipatory bail order shall be confirmed
forthwith.

(Satyavrat Verma, J)

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