

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18174 of 2026

Arising Out of PS. Case No.-114 Year-2026 Thana- MADHAURAH District- Saran

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1. Sudhir Kumar Jaiswal @ Sudhir Jaiswal Son of Late Omprakash Jaiswal
Resident of Village - Mrzapur, P.S.- Marhowrah, District - Saran.
 2. Chandan Kumar Jaiswal @ Chandan Jaiswal Son of Late Manoj Jaiswal
Resident of Village - Mirzapur, P.S.- Marhowrah, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 25-03-2026 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 offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that
petitioners have antecedent of two cases under the Excise Act
and allegation is of recovery of 12.54 litres of liquor from a bag.

4. 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 the alleged
recovery is from a place which does not belong to the
petitioners and they have no concern with the bag. It is further



submitted that petitioners came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is next submitted that if the Chawkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to the 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 start implicating mechanically either at the instance of the Chawkidar, local person, confessional statement or secret information without holding a proper investigation of the case.

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, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Marhowrah P.S. Case No. 114 of 2026, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioners have antecedent of more than two cases, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioners have antecedent of only two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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