

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23523 of 2026

Arising Out of PS. Case No.-27 Year-2026 Thana- GHOGHARDIHA District- Madhubani

Shyam Sundar Yadav @ Mahakal son of Balram yadav Resident of village -
Chikna, Ps- Ghoghardiha, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-04-2026 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 offence punishable under Sections 274, 275 BNS and Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

3. In view of the submissions made by the learned counsel for the petitioner with regard to antecedent, the defects as pointed out by the office is hereby ignored.

4. Learned counsel for the petitioner submits that petitioner has antecedent of three cases, out of which, one case is under the Excise Act and allegation is of recovery of 12.75 litres of liquor from field of petitioner. It is next submitted that petitioner was not arrested from the spot as such nothing was



recovered from his conscious possession. It is asserted and submitted that even alleged recovery is from a field which does not belong to the petitioner but then he came to be implicated at the instance of chowkidar with whom he is on an inimical term. It is also submitted that had the police investigated the case in its correct perspective it would come to the fore that the field from where the alleged recovery of liquor was made does not belong to the petitioner. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through 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 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 within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees fifteen 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 Ghoghardiha P.S. Case No.27/2026, subject



to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than three cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of three cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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