

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30679 of 2026

Arising Out of PS. Case No.-433 Year-2025 Thana- Excise P.S. District- Darbhanga

Anand Kumar Son of Ramchandra Ray Resident of Village -Tira Jhatmalpur
PS -Kalyanpur Distt -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Ms.Meena Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-05-2026 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
inadvertently at Para-3, it has been pleaded that petitioner has
antecedent of nine cases when he has antecedent of ten cases out
of which eight cases are under the Excise Act and allegation is
of recovery of 272.52 litres of liquor from a place near a brick-
kiln.

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 even alleged



recovery is from a place, which does not belong to the petitioner, but then is adjacent to his brick-kiln, as such, he came to be implicated in the instant case. 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. It is next submitted that petitioner earlier also in similar manner came to be implicated in cases relating to excise. It is further submitted that manner in which cases relating to excise are being instituted by the police without holding a proper investigation has already jammed the jails of State of Bihar.

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.50,000/- (Rupees Fifty 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 Darbhanga Excise P. S. Sadar Case No.433 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 more than ten cases, 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 has antecedent of ten cases only, in that event, the
provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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