

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35648 of 2026

Arising Out of PS. Case No.-498 Year-2025 Thana- TRIVENIGANJ District- Supaul

1. Sarwan Kumar @ Shravan Yadav S/o Bechan Yadav Resident of Village - Anchra, Ward No.-7, P.S.- Narpatganj, District - Araria
2. Lalan Kumar @ Lalan Yadav S/o Shivnarayan Yadav Resident of Village - Manikpur, Ward No.- 8, P.S. - Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Shadab Alam Wazdi

For the Opposite Party/s : Ms. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-06-2026 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 Sections 30(a) and 41(1) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of seven cases under the Excise Act and petitioner no. 2 has antecedent of seven cases out of which six cases are under the Excise Act and allegation is of recovery of 1647 liters of liquor from a pick up vehicle.

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 are not the owner of the seized vehicle and came to be implicated based on confessional statement of Rajendra in police custody which does not have any evidentiary value. 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. 35000/- (Rupees Thirty Five 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 Triveniganj P.S. Case No. 498 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 any of the petitioners have antecedent of more than seven 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 the petitioner who had concealed his antecedent, but after verification if it is found that petitioners have antecedent of seven cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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