

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59116 of 2025**

Arising Out of PS. Case No.-365 Year-2025 Thana- Excise P.S. District- Nawada

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Pankaj Yadav @ Pankaj Kumar Son of Ramsvarup Yadav @ Ramshwarup  
Yadav Resident of Village - Lohsinghna (Losinghava), P.S.- Rajouli, District -  
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Pronoti Singh

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      06-01-2026              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 offences punishable under Sections 30(a),  
30(c) and 47 of the Bihar Excise Act.

3.    Learned counsel for the petitioner submits that the  
petitioner has antecedent of two cases under the Excise Act and  
allegation is of recovery of 297 litres of liquor from Akauna  
Kolwa and Amba forest along with 9000 litres of fermented  
jawa mahua solution and 15 litres of liquor from a motorcycle.

4.    Learned counsel for the petitioner submits that the  
petitioner was not arrested from the spot as such nothing was  
recovered from his conscious possession and even the alleged



recovery is from a place which does not belongs to the petitioner and is accessible to public at large and petitioner is not the owner of the seized motorcycle and he came to be implicated at the instance of Chowkidar. It is further 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 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 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. 10,000/- (Rupees Ten 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 Nawada Excise P.S. Case No. 365 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 petitioner and



in the event if it is found that petitioner has antecedent of more than two cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

Sumit/-

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