

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52922 of 2026

Arising Out of PS. Case No.-174 Year-2026 Thana- BAIKUNTHPUR District- Gopalganj

Guddu Rai @ Guddu Kumar Yadav, Son Of Ram Ayodhya Rai @ Ram
Ajodhaya Rai Resident Of Village- Banaura, P.S.- Baikunthpur, District-
Gopalganj, State- Bihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr/s. Priya Raj

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 31-07-2026 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
Sections 30(a) and 41(1) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of eleven cases under the Excise
Act and allegation is of recovery of 200 litres of spirit from a
banana orchard behind the house of Bhagwan Ram and 80 litres
of spirit from a Bolero vehicle.
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 an orchard which does not belong to the petitioner, nor petitioner has any relation or concern with Bhagwan Ram. It is further submitted that petitioner is not the owner of the seized Bolero vehicle and he came to be implicated at the instance of local person/Chaukidar, but the name of the person, who disclosed the name of the petitioner is not disclosed in the F.I.R., which casts an aspersion on the case of the prosecution. 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 also submitted that petitioner in similar manner earlier also came to be implicated in cases relating to excise.

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.55,000/- (Rupees Fifty Five 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 Baikunthpur P. S. Case No.174 of 2026, 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 eleven 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 eleven cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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