

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51489 of 2026

Arising Out of PS. Case No.-182 Year-2026 Thana- Excise P.S. District- Madhubani

1. Sudhir Das S/O Virendra Das R/O Village- Selibeli, P.S.- Basopatti, Distt.- Madhubani.
2. Shambhu Mandal S/O Late Srichan Mandal R/O Village- Sarkar Pokhar Basauli, P.S.- Rahika, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-07-2026 1. Heard learned counsel for the petitioners and Mr. Rabindra Kumar, learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases out of which one case is under the Excise Act and petitioner is a person with clean antecedent and allegation is of recovery of 540 litres of liquor from a Bolero Maxi Truck.
4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further



submitted that petitioners are not the owner of the seized vehicle and came to be implicated based on the confessional statement of Umesh Kumar Yadav in police custody which does not have any evidentiary value in the eye of law.

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 appearing on behalf of the petitioners, let the petitioners, above-named, in the event of their arrest or surrender 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) 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 Madhubani Excise P.S. Sadar Case No. 182 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than two cases and petitioner no. 2 has antecedent of even one case, it would be presumed that petitioners had concealed their



antecedent before this Court, at para 3 of the anticipatory bail application, in that event, the provisional anticipatory bail order shall not be confirmed, but, if it is found on verification that petitioner no. 1 has antecedent of only two cases and petitioner no. 2 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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