

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58231 of 2025

Arising Out of PS. Case No.-151 Year-2025 Thana- SAHPUR District- Bhojpur

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1. Dhanjee Yadav S/o Madan Yadav Resident of Village - Ishivipur, P.S. - Shahpur, District - Bhojpur
 2. Kamlesh Yadav Son of Basudhar Yadav Resident of Village - Ishivipur, P.S. - Shahpur, District - Bhojpur
 3. Mantosh Yadav Son of Ras Bihari Yadav Resident of Village - Ishivipur, P.S. - Shahpur, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar Singh, Advocate
For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2026 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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of four cases and petitioner nos. 2 and 3 have antecedent of two cases and all the case are under the excise act and allegation is of recovery of 12 liters of liquor from a place near bank of a river.

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 even alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large. 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. 20,000/- (Rupees Twenty 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 Sahpur P.S. Case No. 151 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 petitioner no. 1 has antecedent of more than four cases and petitioner nos. 2 and 3 have antecedent of more than two 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, but after verification if it is found that petitioner no. 1 has antecedent of four cases only and petitioner nos. 2 and 3 have antecedent of two cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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