

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57331 of 2025**

Arising Out of PS. Case No.-138 Year-2025 Thana- BARGAINIA District- Sitamarhi

Awdesh Sah @ Avdhesh Sah S/O Late Mahendra Sah Resident of Village-  
Masaha Alam, P.S.- Bairgania, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dwij Raj

For the Opposite Party/s : Mr.Md. Fahimuddin

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

- 3      06-01-2026                      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  
Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that  
the petitioner is a person with clean antecedent and allegation is  
of recovery of 141.6 litres of liquor from two motorcycles.
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 he came to be  
implicated based on the fact that petitioner is owner of one of  
the seized motorcycle. It is next no prudent person would use  
his own vehicle for committing a crime and thus, would create



evidence against himself and hence, would get implicated. It is further submitted that petitioner was completely unaware that his friend would misuse the vehicle in the manner as alleged.

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.500/- (Rupees Five Hundred) 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 Bairgania P. S. Case No.138 of 2025, 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 even one case, 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 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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