

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61999 of 2025

Arising Out of PS. Case No.-247 Year-2025 Thana- MADHAURAH District- Saran

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1. Sonu Nut @ Sonu Nat S/O Daharu Nut @ Dharu Nat R/O Village - Bajit Bhoraha, P.S. - Marhowarah, District - Saran
 2. Kali Nut @ Kali Nat S/O Saral Nat R/O Village - Bajit Bhoraha, P.S. - Marhowarah, District - Saran
 3. Bali Nut @ Bali Nat S/O Daharu Nut @ Daharu Nat R/O Village - Bajit Bhoraha, P.S. - Marhowarah, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar, 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 Sections 30(a) and 41(1) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of seven cases, petitioner no. 2 has antecedent of nine cases and petitioner no. 3 has antecedent of eight cases, out of which 6, 6 and 5 cases are under the excise cases respectively and allegation is of recovery of 120 liters of liquor from Chanwar of village Bajitbhorha along with 2000 liters of Mahua pass which was destroyed.

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 petitioners 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. It is further submitted that in the instant case, the petitioners came to be implicated at the instance of Chowkidar, but then it is submitted that if Chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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. 45,000/- (Rupees Forty Five 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 Marhowrah P.S. Case No. 247 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 seven cases, petitioner no. 2 has antecedent of more than nine cases and petitioner no. 3 has antecedent of more than eight 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 seven cases only, petitioner no. 2 has antecedent of nine cases only and petitioner no. 3 has antecedent of eight cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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