

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76281 of 2025

Arising Out of PS. Case No.-261 Year-2019 Thana- BAISI District- Purnia

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1. Biplab Halder S/O Parimal Halder R/O Village- Bidhan Pally, Ward No. 10, P.S- Dalkhola, District- Uttar Dinajpur(West Bengal).
 2. Shyamal Biswas S/O Dhirendra Nath Biswas R/O Mohalla- PWD Para Ward No. 09, P.S- Dalkhola, Distt.- Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-02-2026 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 272 and 273 of the Indian Penal Code read with Sections 30(a), 41 and 47 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases under the excise act and petitioner no. 2 has antecedent of three cases under the excise act, as would manifest from the pleadings made in the supplementary affidavit. It is next submitted that allegation is of recovery of 882 liters of liquor from a pick up vehicle.



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 are not the owner of the seized vehicle and they came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value. 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. 15,000/- (Rupees Fifteen 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 Baisi P.S. Case No. 261 of 2019 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 two cases and petitioner no. 2 has antecedent of more than three 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 two cases only and petitioner no. 2 has antecedent of three cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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