

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78068 of 2025

Arising Out of PS. Case No.-462 Year-2022 Thana- SAHARSA SADAR District- Saharsa

PINTU YADAV @ RAJESH KUMAR Son of Indradev Yadav @ Indradeb Prasad Yadav Resident of Village - Ghoganpatti, P.S.- Patarghat, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-01-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 41 of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the petitioner has antecedent of 11 cases but then was acquitted in five cases and allegation is of recovery of 5706.36 liters of liquor from a truck as detailed in the FIR.
4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized vehicle and he 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 since petitioner has antecedents as such of late police has started implicating persons with criminal antecedent in excise cases either through 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 petitioner.

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 trial court within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 55,000/- (Rupees Fifty Five Thousand) 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 Saharsa Sadar P.S. Case No. 462 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than



eleven cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of eleven cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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