

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87913 of 2025

Arising Out of PS. Case No.-538 Year-2025 Thana- RAJAOLI District- Nawada

1. Sarjun Yadav @ Saryu Kumar S/o Sanjay Yadav R/o Village - Ambatari, P.S - Rajauli, District - Nawada
2. Rakesh Kumar @ Ritesh Yadav S/o Mithu Yadav R/o Village - Ambatari, P.S - Rajauli, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Ms.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-01-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) of the Excise Act.

3. The learned counsel appearing on behalf of the petitioner submits that the case was taken up on 22.12.2025 when case diary was called for and the Superintendent of Police was directed to submit a report with regard to the ownership of the vehicle in question. It is submitted that case diary has not been received, but then, the report of the Superintendent of Police has been received.



4. The Court will not wait endlessly for the case diary.

5. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases out of which one is under the Excise Act and petitioner no.2 is a person with clean antecedent and the allegation is of recovery of 300 litres of liquor from two motorcycles.

6. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owner of the seized motorcycles as it also confirms from the report of the Superintendent of Police. It is next submitted that petitioners came to be implicated at the instance of local person, but the name of the person, who disclosed the name of the petitioners is not disclosed in the F.I.R., which casts an aspersion on the case of the prosecution. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation.

7. Learned A.P.P. opposes the anticipatory bail application.

8. 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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten 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 Rajauli P. S. Case No.538 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners 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 even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 no.1 has antecedent of two cases only and petitioner no.2 has antecedent of even one case, in that event, the provisional anticipatory bail order shall



be confirmed forthwith.

11. At this stage, the learned counsel appearing on behalf of the petitioners based on instruction submits that petitioners undertake to deposit an amount of Rs.2500/- with Advocate Association, Patna High Court, Patna.

(Satyavrat Verma, J)

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