

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88036 of 2025

Arising Out of PS. Case No.-423 Year-2024 Thana- LAKHISARAI District- Lakhisarai

1. Dhiraj Yadav @ Dhiraj Kumar S/O Bhagwan Yadav R/O Vill.- Pachauta, P.S. and District- Lakhisarai
2. Pradip Yadav @ Pradip Kumar S/O Rajkumar Yadav R/O Vill.- Pachauta, P.S. and District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Bilochan

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-01-2026 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), 30(c) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case under the Excise Act and petitioner no.2 has antecedent of even one case and the allegation is of recovery of 10 litres of liquor from field of Dhiraj Kumar.

4. 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 it is asserted and submitted that the field from where liquor was recovered does not belong to Dhiraj Kumar. It is next submitted that no prudent person would use their own premises for committing a crime and thus, would create evidence against themselves and hence, would get implicated. 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 proper investigation.

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

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 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. 5,000/- (Rupees 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 Lakhisarai P. S. Case No.423 of 2024, subject to the conditions laid down under Section 482(2) of the BNSS.



7. The application stands allowed.

8. 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 one case 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 one case only and petitioner no.2 has antecedent of even one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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