

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89332 of 2025

Arising Out of PS. Case No.-279 Year-2025 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Nitesh Kumar S/O Ashok Kumar Resident of Vill.- Kharuwa, P.S- Kundwa Chainpur, Dist- East Champaran
 2. Sangita Devi W/O Ashok Mukhiya Resident of Vill.- Kharuwa, P.S- Kundwa Chainpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore Alias Kundan Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-01-2026 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 Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of one case under the Excise Act
and petitioner no. 2 is a person with clean antecedent and is a
woman and allegation is of recovery of 45 litres of liquor from a
motorcycle.

4. Learned counsel for the petitioners submits that the
petitioners were not arrested from the spot as such nothing was



recovered from their conscious possession and are not owner of the seized motorcycle and they came to be implicated at the instance of Chowkidar but then it is submitted that if the Chowkidar was aware about 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. It is further 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. 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 Kundwa Chainpur P.S. Case No. 279 of 2025 subject to the



conditions as laid down under Section 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 one case and petitioner no. 2 has antecedent of even one case 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 with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner no. 1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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