

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90139 of 2025

Arising Out of PS. Case No.-102 Year-2025 Thana- ISUAPUR District- Saran

1. Uday Prasad S/o- Ram Janam Prasad R/v- Sadhwara Ps- Isuapur Dist- Saran at Chapra
2. Rahul Kumar S/o- Uday Prasad R/v- Sadhwara Ps- Isuapur Dist- Saran at Chapra
3. Raushan Kumar S/o- Chhathu Mahto R/v- Sadhwara Ps- Isuapur Dist- Saran at Chapra
4. Shailendra Rai @ Shailendra Kumar S/o- Sheojee Rai R/v- Lauwan Ps- Isuapur Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwary
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-01-2026 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 for the petitioners submits that the petitioner nos.1 and 3 are persons with clean antecedent, petitioner no.2 has antecedent of one case and petitioner no.4 has antecedent of seven cases, but inadvertently at Para-3, it has been pleaded that petitioner no.4 has antecedent of five criminal



cases. It is further submitted that supplementary affidavit could not be filed for the reason that the instant anticipatory bail application was filed on 20.12.2025 and thereafter the Court closed for winter vacation. It is next submitted that allegation is of 43.200 litres of liquor from a place behind the bush of government animal hospital.

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 even alleged recovery is from a place, which does not belong to the petitioners and is accessible to public at large and he came to be implicated at the instance of Chaukidar, but then, it is submitted that if Chaukidar was aware of the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which casts an aspersion on the case of the prosecution. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically without holding a 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.35,000/- (Rupees Thirty 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 Isuapur P. S. Case No.102 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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 nos.1 and 3 have antecedent of even one case, petitioner no.2 has antecedent of more than one case and petitioner no.4 has antecedent of more than seven cases, 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 nos.1 and 3 have



antecedent of even one case, petitioner no.2 has antecedent of more than one case and petitioner no.4 has antecedent of more than seven cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

