

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90422 of 2025

Arising Out of PS. Case No.-129 Year-2021 Thana- MAKHDUMPUR District- Jehanabad

Jitendra Kumar Singh @ Jitendra Sharma S/O Rajendra Sharma Resident of
Village- Ganiari, Police Station- Kinjar, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2016/2018.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 10.875 litres of liquor along with one country made pistol from cowshed of Santosh Kumar Sharma. It is next submitted that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and the name of the petitioner transpired in the confessional statement of Santosh Kumar Sharma in police custody which does not have any evidentiary value. It is further submitted that the instant



case has been instituted under the Excise Act and a separate case under Arms Act has also been instituted and the petitioner presently is seeking anticipatory bail in the case relating to excise.

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

5. 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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bond in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Jehanabad in connection with Makhdumpur P.S. Case No.129 of 2021, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining



anticipatory bail had concealed his 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 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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