

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90618 of 2025

Arising Out of PS. Case No.-182 Year-2025 Thana- SAUR BAZAR District- Saharsa

1. Suren Yadav @ Vijendra Kumar S/o Late Bhochan Yadav Resident of Village- Sahuriya Purvi, ward no. 14, P.S- Sour Bazar, District- Saharsa
2. Sandip Kumar S/o Suren Yadav @ Vijendra Kumar Resident of Village- Sahuriya Purvi, ward no. 14, P.S- Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-01-2026 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 offence punishable under Sections 30(a) and 30(c) of Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent of one case and allegation is of recovery of 35 litres of liquor from a bamboo orchard along with 300 litres of Jawa Mahua which was destroyed at the spot. It is next submitted 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 they came to be implicated at the instance of local person but then it is submitted that the name of the person who disclosed the name of the petitioners is not disclosed in the FIR which casts an aspersion on the case of the prosecution. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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 from today, be released on provisional anticipatory bail on furnishing bail bonds 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 Sour Bazar P.S. Case No.182/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents 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 more than one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found that petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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