

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91742 of 2025

Arising Out of PS. Case No.-279 Year-2025 Thana- SONBERSA District- Sitamarhi

1. Jay Kishor Kumar S/O Harinarayan Mahto Resident of Village- Bahuaha, P.S.- Sonbarsa, Dist.- Sitamarhi.
2. Kundan Kumar S/O Late Rajnarayan Singh @ Late Rajkishore Singh Resident of Village- Laxmipur, P.S.- Sonbarsa, Dist.- Sitamarhi.
3. Kamod Kumar S/O Ganesh Mahto Resident of Village- Tilangahi, P.S.- Bhutahi, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar
For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-01-2026 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 nos. 1 and 2 have antecedent of two cases under the Excise Act and petitioner no. 3 has antecedent of one case under the Excise Act and allegation is of recovery of 1517.25 litres of liquor from a school, a Hyundai Santro Care and a Scooty.

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 owners of seized Hyundai Santro car, but then petitioner no. 1 is owner of the seized scooty. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated, it is further submitted that petitioner no. 1 was completely unaware that his friend would misuse the vehicle in the manner as alleged. It is also 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. 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 Sonbersa 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 nos. 1 and 2 have antecedent of more than two cases and petitioner no. 3 has antecedent of more than 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 nos. 1 and 2 have antecedent of two cases and petitioner no. 3 has antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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