

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4382 of 2025

Arising Out of PS. Case No.-165 Year-2024 Thana- MATIHANI District- Begusarai

1. Rishikesh Kumar @ Rishi @ Napla @ Nepla Son of Ashok Singh
 2. Sujit Kumar @ Jugen Son of Kishor Singh
- Both are Resident of Village- Matihani, P.S.- Matihani, Distt.- Begusarai
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 in connection with Matihani P.S. Case No.165 of 2024.

3. The learned counsel for the petitioners submit that the petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent of three cases and allegation is of recovery of 8.25 liters of liquor from a bush.

4. 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 based on secret information which is the easiest way to implicate someone. It is also submitted that once a person is implicated in a case relating to excise, in that event the police starts implicating mechanically.

5. The learned APP for the State 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, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge No.01, Begusarai in connection with Matihani P.S. Case No.165 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court thereafter shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has more than two antecedents and petitioner no.2 has more than three



antecedents, in that event, the provisional anticipatory bail shall not be confirmed, and if it is found that after verification that petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent of three cases, in that event, provisional anticipatory bail order shall be confirmed forthwith.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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