

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27175 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- SHASTRINAGAR District- Patna

1. Bhola Kumar @ Bhola Ray son of Meter Ray @ Magister Ray Village- Sherpur Maner, Police Station- Maner, District- Patna
2. Ajay Rai son of Meter Ray @ Magister Ray Village- Sherpur Maner, Police Station- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Yadav

For the Opposite Party/s : Ms.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-05-2025 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 the petitioner No. 1 is a person with clean antecedent while the Petitioner No. 2 has antecedent of one case, and allegation is of recovery of 194 litres of liquor from a hut.

4. Learned counsel for the petitioners next submits that the 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 they came to be implicated based on secret information which is the easiest way to implicate someone. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically without holding a proper investigation either at the instance of local people, chowkidar, secret information or confessional statement.

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. 5,000/- (Rupees 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 Shastri Nagar P.S. Case No. 76 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 No. 1 has antecedent of even one case and Petitioner No. 2 has more than one antecedent 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, but after verification if it is found that petitioner No. 1 is a person with clean antecedent and Petitioner No. 2 has antecedent of only one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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