

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28480 of 2025

Arising Out of PS. Case No.-500 Year-2024 Thana- GAUTAMBUDHNAGAR District-Siwan

1. Bholu Nat S/o Jitu Nat R/o vill- Dumri, P.S.- Gautam Budha Nager, Distt.- Siwan
2. Bablu Nat S/o Late Lady Nat R/o vill- Dumri, P.S.- Gautam Budha Nager, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Ms. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 07-05-2025 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 Sections 30(a), 34 and 36 of the Bihar Prohibition Excise Act.

3. Learned counsel for the petitioners submits that the petitioners have antecedent of one case and allegation is of recovery of 90 litres of liquor from poultry farm of Bablu Nat along with a gas cylinder.

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. It is



further submitted that no prudent person would use their own premises for committing an occurrence and thus would create evidence against themselves and hence would get implicated and would bring disrepute to their business. It is also submitted that the poultry farm is a joint business as such it cannot be alleged with certainty that it were petitioners who had kept the liquor in the poultry farm or the liquor kept in the poultry farm was within their knowledge. It is next submitted that since petitioners have antecedent under the Excise Act as such the police implicated them mechanically.

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 Gautam Budha Nagar P.S. Case No. 500 of 2024, 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 petitioners have 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, but after verification if it is found that petitioners have antecedent of only one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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