

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39878 of 2025

Arising Out of PS. Case No.-66 Year-2025 Thana- Lakho District- Begusarai

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1. Md. Murshid Son of Md Nasim Resident of Village -Mohammadpur Gangati ,Ward no- 08, P.O -Sehan Shahpur Khurd, P.S- Shahpur ,Dist -Vaishali
 2. Md. Akramul Haq @ Akramul Haq Son of Ainul Huq Resident of Village- Chhourahi, P.S- Chehrakala, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 17-12-2025 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 offence punishable under Sections 30(a), 32(3), 41(1), 41(2) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 1179.5 litres of liquor from a truck. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and petitioner no.1 came to be implicated based on the fact that he is owner of the seized truck and name of petitioner no.2 transpired



in the confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is also 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 and at the same time will bring disrepute to his business. It is also submitted that the petitioners were completely unaware that Naresh and Sunil would misuse the vehicle in the manner as alleged.

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.500/- (Rupees five hundred) 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 Lakho P.S. Case No.66/2025, 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 petitioners have antecedent of even 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 petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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