

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49457 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- RUDRAPUR District- Madhubani

1. Praveen Kumar @ Praveen Prasad Son of Ramashish Raut R/o Rakhwari, P.S.- Rudrapur, District - Madhubani.
2. Pankaj Kumar @ Pankaj Kumar Raut Son of Gangaram Raut R/o Rakhwari, P.S.- Rudrapur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2025 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 274 and 275 of the BNS as well as Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case under the Excise Act.

4. Allegation is of recovery of 19.200 litres of liquor concealed in a heap of straw near a dam.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the alleged



recovery is from a place which does not belong to the petitioners and is accessible to public at large. It is next submitted that petitioners came to be implicated based on the secret information which is the easiest way to implicate someone. It is also submitted that petitioners carry one antecedent under the Excise Act and once an accused is implicated in a case relating to excise, the police start implicating mechanically.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let 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 Rudrapur P.S. Case No. 38 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioners and



if it is found that petitioners have antecedent of more than one case, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification 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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