

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58190 of 2025

Arising Out of PS. Case No.-399 Year-2025 Thana- GAYA MUFASIL District- Gaya

Kamlesh Yadav S/o Yamuna Yadav Resident of Village- Baradih, P.S.-
Muffasil, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjawal Kumar Singh

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-11-2025 **1.** Heard learned counsel for the petitioner and learned
A.P.P. for the State.
- 2.** The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 303(2) and 317(2) of the
BNS and Section 30(a) of the Bihar Excise Act.
- 3.** Learned counsel for the petitioner submits that the
petitioner has antecedent of three cases and allegation is of recovery
of 120 litres of liquor from a motorcycle.
- 4.** Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and is not the owner of the
seized motorcycle and he came to be implicated based on
confessional statement of apprehended-accused in police custody
which does not have any evidentiary value.
- 5.** Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 15,000/- (Rupees Fifteen Thousand) 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 Muffasil P.S. Case No. 399 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than three cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of three cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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