

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62726 of 2025

Arising Out of PS. Case No.-2 Year-2023 Thana- MALSALAMI District- Patna

1. Dhirenjar @ Nitish S/o Nanda Ray R/o Village - Japharabad Sukumarpur Jahagirpur, P.S - Raghapur, District - Vaishali
2. Babal Kumar @ Berjit Kumar S/o Nanda Ray R/o Village - Japharabad Sukumarpur Jahagirpur, P.S - Raghapur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Malsalami P.S. Case no.02 of 2023 registered under sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

3. The allegations in the F.I.R is that there is a recovery of 80 liters of country made liquor from five motorcycles.

4. Learned counsel for the petitioners submits that petitioners are not the owner of the seized motorcycles. No recovery has been made from the physical and conscious



possession of the petitioners and names of the petitioners have transpired on the confessional statement of co-accused persons made before police. Learned counsel for the petitioners further submits that no independent witness is there on the seizure list further indicating violation of mandatory provisions of the B.N.S.S. The petitioners undertake to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that the petitioners have two criminal antecedents each.

6. Taking into considering that no recovery has been made from the possession of the petitioners and the name of the petitioners have transpired in the case only on confessional statement of co-accused made before police which has no evidentiary value, it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Malsalami P.S. Case no.02 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of



Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and
subject to the following conditions:-

(I) One of the bailors of the petitioners shall be the
family member/close relative of the petitioners.

(II) They shall co-operate in the investigation/trial and
would make themselves available before the Investigating
Officer of the present case as and when required till
investigation is concluded against them.

(III) The learned Court below would however, verify
the criminal antecedent of the petitioners and in case it is found
that the petitioners have concealed their criminal antecedent, the
Court below shall take step for cancellation of bail bond of the
petitioners. However, it is expected that the verification process
would be done expeditiously without causing any delay
preferably within a period of two weeks.

(Soni Shrivastava, J)

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