

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64939 of 2025

Arising Out of PS. Case No.-322 Year-2025 Thana- KESARIA District- East Champaran

1. MITTHU SINGH @ ANUJ KUMAR S/o- Pramod Singh Village- Kadhan W.No-4, Ps- Kesariya Dist- East Champaran
2. Vinod Kumar Yadav @ Vinod Yadav S/o- Yogendra Ram Village- Kadhan W.No-10, Ps- Kesariya Dist- East Champaran
3. Amit Kumar Sah @ Amit Sah S/o- Anirudh Sah Village- Kadhan W.No-3, Ps- Kesariya Dist- East Champaran
4. Rupesh Yadav @ Rupesh Ray S/o- Punyadev Ray Village- Kadhan W.No-6, Ps- Kesariya Dist- East Champaran
5. Mukesh Yadav @ Mukesh Ray @ Mukesh Kumar S/o- Yogendra Ram Village- Kadhan W.No-10, Ps- Kesariya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-12-2025 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 274, 275 BNS and Section 30(a) of Bihar Prohibition and Excise (Amended) Act, 2016.

3. Learned counsel for the petitioners at the outset seeks permission to withdraw the anticipatory bail application with respect to petitioner no.2, who was arrested during



pendency of the anticipatory bail application.

4. Permission is accorded.

5. Learned counsel for the petitioners submits that petitioner no.1 and 5 are persons with clean antecedent and petitioner no.3 has antecedent of one case, while petitioner no.4 has antecedent of two cases and allegation is of recovery of 104.1 litres of liquor from a pick up vehicle. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not the owner of the seized vehicle and they came to be implicated based on confessional statement of Himanshu in police custody, which does not have any evidentiary value. It is also submitted that investigation in the case against the petitioners is still continuing.

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, 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.10,000/- (Rupees ten 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 Kesariya P.S. Case No.322/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

8. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 and 5 have antecedent of even one case and petitioner no.3 has antecedent of more than one case and petitioner no.4 has antecedent of more than two cases, 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 but if on verification it is found that petitioner no.1 and 5 are persons with clean antecedent, petitioner no.3 has antecedent of one case and petitioner no.4 has antecedent of two cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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