

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62658 of 2025

Arising Out of PS. Case No.-158 Year-2025 Thana- RAGHUNATHPUR District- Siwan

1. Pradeep Patel S/O Mahesh Patel @ Mahesh Kurmi Resident of Village - Murarpatti, P.S. -Raghunathpur, District - Siwan.
2. Sandeep Patel @ Sandeep Kumar Patel S/O Mahesh Patel @ Mahesh Kurmi Resident of Village - Murarpatti, P.S. -Raghunathpur, District - Siwan.
3. Mahesh Patel @ Mahesh Kurmi S/O Kodai Patel Resident of Village - Murarpatti, P.S. -Raghunathpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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 offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of eight cases as would manifest from supplementary affidavit and petitioner nos. 2 and 3 have antecedent of 2 and 4 cases respectively and allegation is of recovery of 45 liters of liquor from a motorcycle.

4. Learned counsel for the petitioners submits that



petitioners were not apprehended 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 at the instance of Chowkidar with whom they are on an inimical term. It is further submitted that if Chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also submitted that investigation in the case against the petitioners is still continuing.

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

6. 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 Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 40,000/- (Rupees Forty 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 Raghunathpur P.S. Case No. 158 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 no. 1 has antecedent of more than eight cases and petitioner no. 2 has antecedent of more than 2 cases and petitioner no. 3 has antecedent of more than 4 cases then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner no. 1 has antecedent of eight cases only, petitioner no. 2 has antecedent of two cases only and petitioner no. 3 has antecedent of four cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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