

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63303 of 2025

Arising Out of PS. Case No.-240 Year-2023 Thana- BALIYA District- Begusarai

1. Bibha Devi @ Vibha Devi W/o- Late Brahmanand Mishra @ Brahmanand Mishra Village- Bathua Buzung ward No- 4 PS- Mushri Ghrarhi, District- Samastipur
2. Rahul Kumar @ Rahul Kumar Sah S/o- Kameshwar Kumar Sah @ Kameshwar Sah Village- SARai Ranjan Ps- Sarai Ranjan Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 290, 120(B) of the I.P.C. and Sections 30(a), 32, 42(1), (ii) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.1 is a woman and the allegation is of recovery of 2432.520 litres of liquor from a pick-up vehicle and Gautam was apprehended.

4. The learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and Gautam did not disclose the name of the petitioners rather the police after examining the CDR of Gautam's mobile found that petitioners also had a talk with Gautam, as such, based on suspicion, the petitioners came to be implicated. It is submitted that the police in mechanical manner implicates without investigating the case in its correct perspective. It is reiterated and submitted that petitioners are persons with clean antecedent.

5. Learned A.P.P. opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, Begusarai in connection with Ballia (Balliya) P. S. Case No.240 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioners are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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