

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66868 of 2025

Arising Out of PS. Case No.-344 Year-2025 Thana- Excise P.S. District- Nalanda

1. Mukesh Kumar S/o- Nawal Yadav R/o Village- Kayampur PS - Rahui District- Nalanda
2. Omkar Kumar @ Monu Kumar S/o- Lalu Yadav @ Ravi Kant Kumar Yadav @ Ravikant Prasad R/o Village- Kayampur PS - Rahui District- Nalanda
3. Ravi Kant Kumar Yadav @ Lalu Yadav @ Ravikant Prasad S/o- Brij Nandan Yadav R/o Village- Kayampur PS - Rahui District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-11-2025 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 Sections 30(a) and 32 of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioner no. 1 is a person with clean antecedent and petitioners no. 2 and 3 have antecedent of one case and allegation is of recovery of 18 litres of liquor from a motorcycle.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further



submitted that petitioner no. 3 came to be implicated based on the fact that he is owner of the seized vehicle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioner no. 3 was completely unaware that his friend would misuse the vehicle in the manner as alleged. It is further submitted that petitioners no. 1 and 2 came to be implicated based on the secret information which is the easiest way to implicate someone.

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, let 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.5,000/- (Rupees Five 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 Excise P.S. Case No. 344 of 2025, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of even one case and petitioners no. 2 and 3 have antecedent of more than one case, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner no. 1 is a person with clean antecedent and petitioners no. 2 and 3 have antecedent of only one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

