

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73753 of 2025

Arising Out of PS. Case No.-106 Year-2025 Thana- ANGARGHAT District- Samastipur

1. CHANDAN KUMAR S/o- Naresh Ray @ Amresh Ray @ Naresh Rai Resident of Ward No. 11, Chaita North, Chaita Uttari, Tola Sapaha, P.S. Angharghat, Dist-Samastipur, Bihar
2. Abhinav Kumar @ Abhinay Kumar S/o- Suresh Ray Resident of Ward No. 11, Chaita North, Chaita Uttari, Tola Sapaha, P.S. Angharghat, Dist-Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Keshav Bhardwaj
For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-11-2025 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Act (Amended), 2022.

3. Learned counsel for the petitioners submits that petitioners have antecedent of two cases under the Excise Act and allegation is of recovery of 237.24 litres of liquor from a sack near a thatched hut. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and the alleged recovery is from a place which does not belong to the petitioners and is



accessible to public at large and they came to be implicated based on confessional statement of Aman in police custody, which does not have any evidentiary value. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically without holding a proper investigation.

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

5. 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 Angharghat P.S. Case No.106/2025, subject to the conditions as laid down under Section /482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of more than two cases 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 petitioners have
antecedent of two cases, in that event the provisional
anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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