

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74007 of 2025

Arising Out of PS. Case No.-174 Year-2025 Thana- DEWARIA District- Muzaffarpur

1. Aman Kumar S/O Dindyal Ray R/O Village- Chainpura, P.S- Deoriya, Dist.- Muzaffarpur.
2. Nishant Kumar S/O Santlal Ray R/O Village- Chainpura, P.S- Deoriya, Dist.t- Muzaffarpur.
3. Ranjan Kumar S/O Vashudeo Ray R/O Village- Chainpura, P.S- Deoriya, Dist.t- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-11-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The supplementary affidavit filed on behalf of the petitioners is taken on record.
3. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 2 (Nishant Kumar), who was arrested during pendency of the anticipatory bail application.
4. Permission is accorded.
5. Accordingly, the anticipatory bail application is dismissed as withdrawn with respect to petitioner No. 2 (Nishant



Kumar).

6. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

7. Learned counsel for the petitioners submits that the petitioner No. 1 has antecedent of three cases and petitioner No. 3 has antecedent of two cases and allegation is of recovery of 225 litres of liquor from a Scorpio and 2122.785 litres of liquor a room behind the house of Md. Tahir.

8. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they are not the owner of the seized vehicle and even the alleged recovery is from a place which does not belongs to the petitioners and they came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value.

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

10. 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. 15,000/- (Rupees Fifteen 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 Deoriya P.S. Case No. 174 of 2025, subject to the conditions as laid down under Section Section 482(2) of the BNSS.

11. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner No. 1 has antecedent of more than three cases and petitioner No. 3 has antecedent of more than two 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 three cases and petitioner No. 3 has antecedent of two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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