

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77934 of 2025

Arising Out of PS. Case No.-425 Year-2024 Thana- BELDOUR District- Khagaria

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1. Balveer Kumar Son of Jayjay Ram yadav Resident of Pirnagra Ward no. 5, PS- Beldour District- Khagaria
 2. Nitish Kumar son of Jayjay Ram Yadav Resident of Pirnagra Ward no. 5, PS- Beldour District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh
For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-12-2025 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 offence punishable under Sections 30(a) and 30(c) of Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of one case and allegation is of recovery of 20 litres of liquor from a place near Mariya Dhar. 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 also from a place which does not belong



to the petitioners and is accessible to public at large and they came to be implicated at the instance of chowkidar with whom they are on an inimical term. It is also submitted that if chowkidar was aware of the involvement of the petitioner 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.

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.5000/- (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 Beldaur. P.S. Case No.425/2024, 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 petitioner no.1 has antecedent



of even one case and petitioner no.2 has antecedent of more than one case, 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 with but if on verification it is found that petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith..

(Satyavrat Verma, J)

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