

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75299 of 2025

Arising Out of PS. Case No.-311 Year-2025 Thana- BAKHTIYARPUR District- Patna

1. Vicky Kumar @ Mehash Son of Dinesh Das R/o Village - Ambedkar Nagar Chamartoli, P.S. - Bakhtiyarpur Dist. - Patna.
2. Vipul Kumar Son of Dinesh Das R/o Village - Ambedkar Nagar Chamartoli, P.S. - Bakhtiyarpur Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-11-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 2, namely, Vipul Kumar who was arrested during pendency of the anticipatory bail application.

3. Permission is accorded.

4. Accordingly, the prayer for anticipatory bail with respect to petitioner no. 2 is dismissed as withdrawn.

5. The petitioner no. 1 apprehends his arrest in a case registered for the offences punishable under Sections 132 and 3(5) of the BNS as well as Sections 30(a) and 37 of the Bihar Prohibition and Excise (Amendment) Act, 2022.



6. Learned counsel for the petitioner no. 1 submits that petitioner no. 1 is a person with clean antecedent.

7. Allegation is of recovery of 6 litres of liquor kept concealed under the bricks.

8. Learned counsel for the petitioner no. 1 submits that petitioner no. 1 was not arrested from the spot, as such, nothing was recovered from his conscious possession and even the alleged recovery is from a place which does not belong to the petitioner no. 1 and is accessible to public at large. It is further submitted that petitioner no. 1 came to be implicated at the instance of the Chawkidar with whom brother of the petitioner no. 1 is on an inimical term.

9. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 1.

10. Considering the submissions made by the learned counsel for the petitioner no. 1, let the petitioner no. 1 above-named, in the event of his 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.500/- (Rupees Five Hundred) 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



Bakhtiyarpur P.S. Case No. 311 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

11. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner no. 1 and if it is found that petitioner no. 1 has antecedent of even one case, it would be presumed that petitioner no. 1 had concealed his 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 in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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