

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76226 of 2025

Arising Out of PS. Case No.-118 Year-2025 Thana- PUSA District- Samastipur

1. Smt. Nilam Devi W/O Sri Sunil Ray R/O Village- Harpur Pusa, P.S. - Pusa, Dist. - Samastipur
2. Sunil Ray S/O Sri Ram Bilash Ray R/O Village- Harpur Pusa, P.S. - Pusa, Dist. - Samastipur
3. Abhishek Kumar S/O Late Ranjeet Ray @ Ranjeet Mahto R/O Village- Prahladpur, P.S. - Mushahari, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 18-11-2025 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 Section 30(a) of the Bihar Excise Act.

3. The learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1 (Smt. Nilam Devi) as she was arrested during pendency of the anticipatory bail application.

4. Permission is accorded.



5. Learned counsel for the petitioners submits that petitioner nos. 2 and 3 are persons with clean antecedent and allegation is of recovery of 28.260 liters of liquor from the house of the petitioners.

6. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and the house in question is a joint family property, as such, it cannot be alleged with certainty that it were petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge and they came to be implicated based on secret information which is the easiest way to implicate someone.

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

8. Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2 and 3 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. 500/- (Rupees Five Hundred) 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 Pusa P.S. Case No. 118 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. 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 any of the petitioners have antecedent of even one case 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 nos. 2 and 3 are persons with clean antecedent, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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