

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78290 of 2025

Arising Out of PS. Case No.-291 Year-2025 Thana- SISWAN District- Siwan

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1. Rakesh Kumar Yadav @ Rakesh Yadav S/O Nagina Yadav Resident of Village - Ramgarh, P.S. - Siswan Chainpur, District - Siwan
 2. Prem Kumar Yadav @ Prem Yadav S/O Sanjay Yadav Resident of Village -Mahamadpur Ke Mathia, P.S. - Manjhi, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-12-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedents of three cases and petitioner no.2 is a person with clean antecedent and allegation is of recovery of 117 litres of liquor from a motorcycle along with one mobile phone. It is next submitted that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owner of the seized vehicle



and they came to be implicated based on confessional statement of Vishal Thakur in police custody which does not have any evidentiary value.

4. Learned A.P.P. opposes the anticipatory bail application.

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, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-II, Siwan in connection with Siswan (Chainpur) Excise P.S. Case No.291 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners 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.2 has antecedent of even one case,



then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner no.1 has antecedent of only three cases and petitioner no.2 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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