

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82043 of 2025

Arising Out of PS. Case No.-491 Year-2025 Thana- BHORE District- Gopalganj

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1. Vikash Kumar Son of Bhola Yadav Village- Lahasi PS -Bhorey Distt -Gopalganj
 2. Akash Kumar son of Bhola yadav Village- Lahasi PS -Bhorey Distt -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2025 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 Section 111 B.N.S., 2023 and Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 54 litres of liquor from the house of Bhola Yadav. It is next submitted that petitioners were not arrested 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 the confessional statement of Bullet Yadav in police custody, which does not have any evidentiary value. It is further submitted that Bullet Yadav was made to confess the name of the petitioner with any evidence to even remotely suggests that liquor in the house was kept by the petitioner or was in his knowledge.

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.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 Bhorey P.S. Case No.491/2025, 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 more than four cases and petitioner no.2 has antecedent of even 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 respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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