

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87210 of 2025

Arising Out of PS. Case No.-746 Year-2025 Thana- MANER District- Patna

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1. Kunal Kumar S/o Mandal Ray R/o Village - Bhawani Tola, Rampur Diyara, P.S - Maner, P.O - Maner, District - Patna, Pin - 801108
 2. Jitendra Kumar S/o Mandal Ray R/o Village - Bhawani Tola, Rampur Diyara, P.S - Maner, P.O - Maner, District - Patna, Pin - 801108

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Rai

For the Opposite Party/s : Mr. Md. Iftekhhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-12-2025 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 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of two cases and allegation is of recovery of 21.96 litres of liquor from a Scooty and 129.6 litres of liquor from an alto car. 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 owners of any of the seized vehicle and they came to be implicated based on



confessional statement of Shambhu in police custody which does not have any evidentiary value. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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.10,000/- (Rupees ten 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 Maner P.S. Case No.746/2025, 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 petitioners have antecedent of more than two cases, 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 after verification it is found that petitioners have antecedent of two cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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