

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7341 of 2026

Arising Out of PS. Case No.-230 Year-2025 Thana- EXCISE UDAKISHUNGANJ District-
Madhepura

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1. Birendra Kumar Yadav @ Birendra Kumar @ Birenndra Kumar S/o Satendary Roy Resident of - Hardibari, Ward No.- 14, P.S - Bihariganj, District - Madhepura
 2. Amit Kumar S/o Late Mahamntri Bhagat @ Deep Narayan Resident of - Bihariganj, Ward No. 7, P.S - Bihariganj, District - Madhepura
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bambahadur Jha, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-02-2026 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 the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 20.13 litres of liquor from roof of J & S Complex at Bihariganj.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the alleged recovery is from a place which does not belong to the



petitioners and they came to be implicated at the instance of the local person but then the name of the person who disclosed the name of the petitioners is not disclosed in the FIR which casts an aspersion on the case of the prosecution.

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

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five 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 Udakishunganj Prohibition P.S. Case No. 230 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

7. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than one case and petitioner no. 2 has antecedent of even one case, it would be presumed that petitioners had concealed their 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 has antecedent of only one case 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)

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