

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2718 of 2026

Arising Out of PS. Case No.-259 Year-2025 Thana- JOKIHAT District- Araria

1. Arsad Son of Mohiuddin Resident of village - Bhagwanpur Ward No.- 04, Police Station - Jokihat, District - Araria.
2. Bipta @ Farmuddin @ Biptha Son of Md. Mosim @ Mohsin Resident of village - Bhagwanpur Ward No.- 04, Police Station - Jokihat, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana
For the Opposite Party/s : Ms. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-02-2026 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 offences punishable under Sections 126(2), 115(2), 132, 262, 303(2), 3(5) of the BNS and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of three cases and allegation is of recovery of 15 litres of cough syrup from a place behind the house of Nabi Hasan. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that



informant alleges that Nabi Hasan was apprehended and thereafter he started raising an alarm, on account of which, people gathered including the female members of the house of Nabi Hasan and they assaulted the police. It is thus submitted that as far as allegation against the petitioners is alleged, they are alleged to have come at the place of occurrence on alarm raised by Nabi Hasan but then it is submitted that they are neighbour of Nabi Hasan and when police came to the place of occurrence, they out of inquisitiveness came to the place of occurrence to witness the occurrence when they came to be implicated. It is next submitted that petitioners are not alleged to have been involved in the occurrence of trade relating to cough syrup.

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.15,000/- (Rupees fifteen 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 Jokihat P.S. Case No.259/2025, 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 even one case and petitioner no.2 has antecedent of more than three 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 petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of three cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

7. At this stage, the learned counsel for the petitioners, based on instruction, undertakes to deposit an amount of Rs.5000/- with Legal Aid, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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