

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3638 of 2026**

Arising Out of PS. Case No.-475 Year-2025 Thana- BIBHUTIPUR District- Samastipur

1. Amar Paswan S/o Fucho Paswan Resident of Ward No. 04, Basantpur Karrakh, Karrakh Sakhmohan, P.S. Bibhutipur, District Samastipur
2. Rohit Kumar S/o Kishundev Shani @ Kishun Sahni Resident of – Rampur, P.S. Cheriya Bariyarpur, District Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shashank Shekhar Kunwar, Advocate  
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      29-01-2026                      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, 2018.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 50 litres of liquor from the bank of Gandak River.

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 but then is accessible to villagers at large. It is further



submitted that petitioners came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is next submitted that if the Chawkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution, when petitioners admittedly are persons with clean antecedent.

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 before the learned trial court 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 Bibhutipur P.S. Case No. 475 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 petitioners have 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 petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioners based on instruction submits that petitioners undertake to deposit an amount of Rs.2,000/- with the Advocate Association of the Patna High Court within a period of two weeks from today.

**(Satyavrat Verma, J)**

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