

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2485 of 2026**

Arising Out of PS. Case No.-770 Year-2018 Thana- FATUA District- Patna

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1. Vicky Kumar S/o Anil Rai @ Anil Yadav R/o Village- Bhagwanpur, PS- Fatuha, Distt- Patna
  2. Sunil Kumar @ Jatti @ Jethi S/o Late Akhilesh Rai R/o Village- Bhagwanpur, PS- Fatuha, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate  
For the Opposite Party/s : Mr. Kanhiya Kishor, A.P.P.

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

2      27-01-2026                      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, 2016.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case under the Excise Act and petitioner no. 2 has antecedent of two cases under the Excise Act and allegation is of recovery of 300 litres of liquor from the bank of Punpun 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 and is accessible to villagers at large. It is further submitted that petitioners came to be implicated based on the secret information which is the easiest way to implicate someone. It is next submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically either at the instance of the Chawkidar, local person, confessional statement or secret information without holding a proper investigation of the case.

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.10,000/- (Rupees Ten Thousand) 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 Fatuha P.S. Case No. 770 of 2018, 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 more than two cases, 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 has antecedent of only two cases 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.2,500/- with the Advocate Association of the Patna High Court.

**(Satyavrat Verma, J)**

Kundan/-

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