

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3340 of 2026

Arising Out of PS. Case No.-242 Year-2025 Thana- JALALPUR District- Saran

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1. Mina Devi Wife of Kamakhya Sah Resident of Village- Gamahariya Rusi,
P.S.- Jalalpur, Dist.- Saran
 2. Vicky Kumar Son of Kamakhya Sah Resident of Village- Gamahariya Rusi,
P.S.- Jalalpur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-01-2026 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 is a person with clean antecedent and is a
woman and petitioner no. 2 has antecedent of one case under the
Excise Act and allegation is of recovery of 50 litres of liquor
from a place behind the house of Ramdas Sah.

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 have no concern or relation with Ramdas Sah and came to be implicated at the instance of the Chawkidar and local persons but then it is submitted that if the Chawkidar and local persons were aware of the involvement of petitioners in the occurrence then why they did not inform the police prior to the institution of the instant 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 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.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 Jalalpur P.S. Case No. 242 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 even one case and petitioner no. 2 has antecedent of more than 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 is a person with clean antecedent and petitioner no. 2 has antecedent of only one case 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.1,500/- with the Lawyers' Association of the Patna High Court.

(Satyavrat Verma, J)

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