

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3567 of 2026

Arising Out of PS. Case No.-2 Year-2026 Thana- SRINAGAR District- West Champaran

1. Abhishek Kumar S/O Vinod Sah @ Vinod Prasad R/O Village- Jogiraha Pakhanaha, P.s.- Bairiya, District- West Champaran
2. Subash Kumar @ Subhash Kumar S/O Ramdhani Prasad @ Rameshwar Prasad @ Rameshwar Prasad R/O Village- Jogiraha Pakhanaha, P.s.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of one case and allegation is of recovery of 15 litres of liquor from a bush. It is next submitted that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the



petitioners but then is accessible to villagers at large and they came to be implicated at the instance of Chowkidar with whom they are on an inimical term. It is also submitted that if Chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution.

4. Learned A.P.P. opposes the anticipatory bail application.

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, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.-II, Bettiah, West Champaran in connection with Srinagar P.S. Case No.2 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after



accepting the provisional bail bond of the petitioners shall verify the criminal antecedent 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 one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found 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 undertakes to deposit an amount of Rs.2500/- each with Lawyers' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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