

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4154 of 2026

Arising Out of PS. Case No.-133 Year-2025 Thana- NADI District- Supaul

1. Ajit Kumar @ Ajeet Kumar Son of Vijay Kumar Yadav @ Vijay Yadav Resident of Village - Sarojabela, Navakatol, Ward No. 06, P.S.- Supaul, District- Supaul.
2. Vijay Kumar Yadav @ Vijay Yadav Son of Siya Ram Yadav @ Siyaram Yadav Resident of Village - Sarojabela, Navakatol, Ward No. 06, P.S.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, 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 (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 72 litres of liquor from a motorcycle and a Scooty. It is next submitted that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and petitioner no.2 came to be implicated based on the fact that he is owner of the seized Scooty. It is next



submitted that no prudent person would use his own vehicle for committing an occurrence and thus, would create evidence against himself and hence, would get implicated. It is also submitted that petitioner no.2 was completely unaware that his friend Jitendra Yadav would misuse the vehicle in the manner as alleged, who was also apprehended from the spot along with Arun Sada and the name of petitioner no.1 transpired based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value, since petitioner no.1 is son of petitioner no.2.

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.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of learned P.O., Exclusive Special Excise Court-I, Supaul in connection with Supaul Nadi P.S. Case No.133 of 2025, 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 petitioners have antecedent of even 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 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.1500/- each with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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