

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6181 of 2026

Arising Out of PS. Case No.-90 Year-2025 Thana- Bhopatpur District- East Champaran

1. Chotan Yadav Son of Late Ramayodhya Rai Resident of Village - Bairagi Tola, P.S. - Kalyanpur, Dist. - East Champaran.
2. Dharmendra Kumar Son of Lalbabu Rai Resident of Village - Bairagi Tola, P.S. - Kalyanpur, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad, learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a), 32 and 41(1) 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 200 litres of liquor from a Bolero vehicle. It is next submitted that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owner of the seized vehicle and came to be implicated based on



confessional statement of Santosh Kumar in police custody, which does not have any evidentiary value.

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 Special Judge Excise Court No.-1, Motihari, East Champaran in connection with Bhopatpur P.S. Case No.90 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 bonds 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 undertake to deposit an amount of Rs.2500/- each with High Court Legal Services Committee, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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