

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4948 of 2026

Arising Out of PS. Case No.-404 Year-2025 Thana- SHAHPUR PATORI District- Samastipur

1. Vimal Devi @ Vimla Devi S/O Siyaram Ray R/O - Pyarepur, P.S- Patori, District- Samstipur
2. Kundan Kumar S/O Siyaram Ray R/O - Pyarepur, P.S- Patori, District- Samstipur
3. Chandan Kumar Ray @ Chandan Kumar S/O Siyaram Ray R/O - Pyarepur, P.S- Patori, District- Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-02-2026 1. Heard learned counsel for the petitioners and Mr. Rabindra Kumar, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 274 and 275 of the BNS as well as Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners no. 1 and 2 are persons with clean antecedent and petitioner no. 3 has antecedent of one case under the Excise Act and petitioner no. 1 is a woman and allegation is of recovery of 50.52 ltires of liquor from a paddy field and a banana orchard.

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 next submitted that petitioners came to be implicated at the instance of the Chawkidar but then it is submitted that if the Chawkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

5. Mr. Rabindra Kumar, 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 Patori P.S. Case No. 404 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 petitioners no. 1 and 2 have antecedent of even one case and petitioner no. 3 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 petitioners no. 1 and 2 are persons with clean antecedent and petitioner no. 3 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.2,500/- with the High Court Legal Services Committee, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

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