

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5412 of 2026

Arising Out of PS. Case No.-797 Year-2025 Thana- MADHAURAH District- Saran

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1. Bipin Singh @ Vipin Bihari Singh S/o Janardan Singh R/o Village - Rahimpur, P.S - Marhowrah, District - Saran at Chapra
 2. Ramnath Mahto S/o Late Shivpal Mahto R/o Village - Mirjapur, P.S - Marhowrah, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 02-02-2026 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 offences punishable under Section 318 of the BNS, Section 30(a) of the Bihar Prohibition and Excise Act as well as Section 11 of the Public Gambling Act (Bengal Gambling Act).

3. Learned counsel for the petitioners submits that petitioners have antecedent of two cases and allegation is of recovery of 10 litres of liquor from a bamboo orchard along with a bundle of playing card.

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. It is further submitted that petitioners came to be implicated based on the confessional statement of apprehended accused, namely, Guddu Kumar in police custody which does not have any evidentiary value in the eye of law. It is next submitted that off late the police have started implicating accused in cases relating to excise who are having criminal antecedent.

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.10,000/- (Rupees Ten 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 Marhowrah P.S. Case No. 797 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 have antecedent of more than two cases, 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 have antecedent of only two cases 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.5,000/- with the Lawyers' Association of the Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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