

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6514 of 2026

Arising Out of PS. Case No.-433 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

1. Jainath Kumar S/o Bhuneshwar Ray R/o Village - Diwantok, P.S - Ganga Bridge, District - Vaishali
2. Shyam Babu Ray S/o Garbhu Ray @ Gargu Ray R/o Village - Diwantok, P.S - Ganga Bridge, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kahkashan Alam

For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-02-2026 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 offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of five cases, out of which four cases are under the Excise Act and petitioner no.2 has antecedent of five cases under the Excise Act and allegation is of recovery of 100 litres of liquor from a motorcycle. 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 owners of the seized vehicle and they came to be implicated based on secret information which is the easiest way to implicate someone without holding a proper investigation. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation. It is also submitted that petitioners earlier also came to be implicated in similar manner.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.25,000/ (Rupees twenty 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 Hajipur Sadar P.S. Case No.433/2024, subject to the conditions as laid down under Section 482(2) of the



B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of more than five cases, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found that petitioners have antecedent of five cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

7. At this stage, the learned counsel for the petitioners, based on instruction, undertakes to deposit an amount of Rs.10,000/- with Lawyers' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

