

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8317 of 2026

Arising Out of PS. Case No.-89 Year-2024 Thana- BAIRIYA District- West Champaran

1. Apsarul Son of Mosafir Miyan @ Mosafil Miyan Resident of Village - Malahi Tola, Ward No. 1, Balua Rampurwa, P.S. - Bairiya, Dist. - West Champaran.
2. Bagar Miyan Son of Wakil Miyan Resident of Village - Malahi Tola, Ward No. 1, Balua Rampurwa, P.S. - Bairiya, Dist. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-03-2026 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 Sections 272 and 273 of the Indian Penal Code as well as Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 7.74 litres of liquor from a bamboo orchard and 19.8 litres of liquor from a motorcycle.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further



submitted that petitioners are not the owner of the bamboo orchard but then petitioner no. 2 came to be implicated based on the fact that he is owner of the seized vehicle. 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 next submitted that petitioner no. 2 was completely unaware that his friend Sanoj Choudhary would misuse the vehicle in the manner as alleged who also fled from the spot but later was apprehended but then Sanoj Kumar @ Sanoj Choudhary had approached this Court seeking regular bail by filing Cr. Misc. No. 34225 and 2024 and the same came to be allowed by an order dated 14.05.2024.

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 within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) 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 Bairiya P.S. Case No. 89 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

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 even 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 are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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