

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9924 of 2026

Arising Out of PS. Case No.-1245 Year-2025 Thana- SONEPUR District- Saran

1. Vishal Kumar S/o Brij Kishore Rai R/o Village - Hemantpur, P.S - Garkha, District - Saran at Chapra
2. Jitendra Kumar @ Jitendra Rai S/o Badan Rai R/o Village - Baburbani, P.S - Sonepur, District - Saran at Chapra
3. Ankit Kumar S/o Mohan Lal Ray @ Satendra Rai @ Lal Mohan Ray R/o Village - Baburbani, P.S - Sonepur, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a), 30(b) and 30(c) of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioner no.1 is a person with clean antecedent, petitioner no.2 has antecedent of three cases under the Excise Act and petitioner no.3 has antecedent of one cases under the Excise Act and allegation is of recovery of 280 litres of liquor from bank of a river. It is next submitted that petitioners were not arrested from



the spot, as such, nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners but then is accessible to villagers at large and they came to be implicated at the instance of local villager but then name of the villager who disclosed the name of the petitioners is not disclosed in the FIR, which casts an aspersion on the case of the prosecution. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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 from today, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Sonapur P.S. Case No.1245 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, petitioner no.2 has antecedents of more than three cases and petitioner no.3 has antecedents of more than one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedents 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, petitioner no.2 has antecedents of only three cases and petitioner no.3 has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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