

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12665 of 2026**

Arising Out of PS. Case No.-19 Year-2026 Thana- BIDUPUR District- Vaishali

1. Satish Kumar S/O Mahendra Rai Resident of Village- Litiyahi Rajasan, Police Station- Rustampur, Dist.- Vaishali.
2. Nirala Kumar @ Nirala Rai S/O Dilip Baba @ Dilip Ray @ Dilli Baba R/o Vill.- Diwantok (Ashpatpur Singhia) Urf Lathiahi Raisan, P.S.- Ganga Bridge, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms.Sweety Sinha  
For the Opposite Party/s : Mr.Akshay Lal Pandit

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      09-03-2026                      1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 274 and 275 of the B.N.S. and Section 30(A) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of eight cases out of which seven cases are under the Excise Act and petitioner no.2 is a person with clean antecedent and allegation is of recovery of 2181.57 litres of liquor from a hut.

4. The 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 alleged recovery is from a hut, which does not belong to the petitioners and they came to be implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation. It is reiterated and submitted that petitioner no.2 is a person with clean antecedent.

5. Learned A.P.P. opposes the anticipatory bail application.

6. 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, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs. 40,000/- (Rupees Forty 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 Bidupur P. S. Case No.19 of 2026, subject to



the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. 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 more than eight cases and petitioner no.2 has antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent 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 has antecedent of eight cases only and petitioner no.2 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

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