

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18805 of 2026

Arising Out of PS. Case No.-320 Year-2025 Thana- BABUBARHI District- Madhubani

Birendra Kumar Yadav @ Veer Kumar Yadav @ Virendra Kumar Yadav @
Veerbabu Yadav S/O Dinesh Yadav Resident of Village- Nawtoli Police
Station- Babubarahi District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Soban Asghar, Advocate

For the Opposite Party/s : Dr. (Mr.) Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 303(2) and
3(5) of the BNS, 2023 as well as Sections 30(a) and 41 of the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that the
defect no. 6(2), as pointed out by the office, has been removed
and as far as defects no. 6(1), 6(3) and 6(4) are concerned, the
same may be ignored.

4. In view of the submissions made by the learned
counsel appearing on behalf of the petitioner, the defects no.
6(1), 6(3) and 6(4) are hereby ignored.

5. Learned counsel for the petitioner submits that



petitioner is a person with clean antecedent and allegation is of recovery of 126 litres of liquor from a Scorpio and 42.9 litres of liquor from a motorcycle.

6. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that petitioner is not the owner of any of the seized vehicles but then came to be implicated at the instance of the local person but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution, when petitioner has not been implicated based on the secret information.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, let the petitioner, above-named, in the event of his 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) 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 Babubarahi P.S. Case No. 320 of 2025,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

9. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case, it would be presumed that petitioner had concealed his 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 petitioner 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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