

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17014 of 2026

Arising Out of PS. Case No.-23 Year-2026 Thana- UDWANTNAGAR District- Bhojpur

1. Tuntun Kumar S/O Late Hanslal Yadav Resident of Village- Asni, Police Station- Udwanthnagar, District- Bhojpur.
2. Bhara @ Pankaj Kumar @ Pankaj Bhara S/O Ram Bhadhur Singh @ Rambabu Singh Resident of Village- Asni, Police Station- Udwanthnagar, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-03-2026 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. Learned counsel for the petitioners seeks
permission to withdraw the anticipatory bail application with
respect to petitioner no. 2 who was arrested.

3. Permission is accorded.

4. The petitioner no. 1 apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Excise Act.

5. Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of two cases under the Excise
Act and allegation is of recovery of 70 liters of liquor from a



field near Girls High School.

6. Learned counsel for the petitioners submits that petitioner no. 1 was not arrested from the spot, as such, nothing was recovered from his conscious possession and the recovery is from a place which does not belong to the petitioner and he came to implicated based on secret information which is the easiest way to implicate someone. 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 proper investigation.

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

8. Considering the submissions made by the learned counsel for the petitioners, the petitioner no. 1, namely, Tuntun Kumar, 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. 10,000/- (Rupees Ten Thousand) 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 Udwantnagar P.S. Case No. 23 of 2026 subject to the conditions as laid down



under Section 482 (2) of the BNSS.

9. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner no. 1 and in the event if it is found that petitioner no. 1 has antecedent of more than two cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has only two criminal antecedents in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Gaurav Sinha/-

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