

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20168 of 2026

Arising Out of PS. Case No.-19 Year-2026 Thana- DALMIYA NAGAR SAHAYAK District-
Rohtas

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1. Bintesh Kumar @ Bintesh Paswan Son of Dinesh Paswan Resident of village - Gangauli, P.S.- Dalmiyanagar, District - Rohtas at Sasaram.
 2. Vijay Paswan Son of Dinesh Paswan Resident of village - Gangauli, P.S.- Dalmiyanagar, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-03-2026 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 offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that
petitioners have antecedent of one case under the Excise Act and
allegation is of recovery of 40 litres of liquor from a blue drum
kept near a canal. 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 and is accessible to



villagers at large and they came to be 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 through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

5. Considering the submissions made by the learned counsel for the petitioners, 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.5000/- (Rupees five 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 Dalmiyanagar P.S. Case No.19/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of more than one case, in that event, it would be presumed that



petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found that petitioners have antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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