

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20405 of 2026**

Arising Out of PS. Case No.-259 Year-2025 Thana- JOKIHAT District- Araria

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1. Naim @ Nayeem Son of Fagu @ Iliyas Resident of Village - Bhagwanpur Ward no. 4, P.S - Jokihat, Dist. - Araria.
  2. Ashique Son of Ainul Resident of Village - Bhagwanpur Ward no. 4, P.S - Jokihat, Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Akbar Ali

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

2      17-04-2026                      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 Sections 126(2), 115(2), 132, 262, 303(2) and 3(5) of the BNS and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of six cases, out of which, five cases are under the Excise Act and petitioner no.2 is a person with clean antecedent and allegation is of recovery of 15 litres of cough syrup from a place behind the house of Nabi Hasan. It is next submitted that from perusal of the allegation as alleged



in the FIR, it would manifest that informant alleges that Nabi Hasan was apprehended and thereafter he started raising an alarm, on account of which, people gathered including the female members of the house of Nabi Hasan and they assaulted the police. It is thus submitted that as far as allegation against the petitioners is alleged, they are alleged to have come at the place of occurrence on alarm raised by Nabi Hasan but then it is submitted that they are neighbour of Nabi Hasan and when police came to the place of occurrence, they out of inquisitiveness came to the place of occurrence to witness the occurrence when they came to be implicated. It is next submitted that since petitioner no.1 has antecedent under the excise as such police took the same as an opportunity to implicate him also in the case when allegation of assault is general and omnibus in nature.

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.30,000/- (Rupees thirty 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 Jokihat P.S. Case No.259/2025, 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 petitioner no.1 has antecedent of more than six cases and petitioner no.2 has antecedent of even 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 petitioner no.1 has antecedent of six cases 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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