

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27257 of 2026

Arising Out of PS. Case No.-946 Year-2025 Thana- FATUA District- Patna

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1. Arvind Singh S/o- Late Chhatrapati Singh Resident of Village- Raipur Balwa Lachu Tola PS- Fatuha District- Patna
 2. Mukesh Yadav @ Mukesh Kumar S/o- Tinku Kumar @ Tinku Yadav Resident of Village- Raipur Balwa (Balwa Tal) PS- Fatuha District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Megha Singh, Advocate
Mr. Kumar Rohit, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2026 1. Heard Ms. Megha Singh, 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 offences punishable under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Ms. Megha Singh, learned Advocate appears for the petitioners and submits that petitioner no. 1 has antecedent of one case under the Excise Act and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 9 litres of liquor concealed under the straw near cattle shed of petitioner no. 1 along with 2100 litres of raw material which was destroyed and 7 litres of liquor was also recovered from two



different places.

4. 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 the alleged recovery is from a place which does not belong to the petitioners but then is adjacent to the cattle shed of petitioner no. 1 and they came to be implicated at the instance of the local person but then the name of the person who disclosed the name of the petitioners is not disclosed in the FIR which casts an aspersion on the case of the prosecution, when petitioners have not been implicated based on the secret information.

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

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, let 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.5,000/- (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 Fatuha P.S. Case No. 946 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.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than one case and petitioner no. 2 has antecedent of even one case, it would be presumed that petitioners had concealed their 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 no. 1 has antecedent of only one case 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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