

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21113 of 2026

Arising Out of PS. Case No.-340 Year-2025 Thana- DORIGANJ District- Saran

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1. Neeraj Kumar Son of Late Fagu Mahto Resident of Village - Jagdishpur, P.S.- Doriganj, District - Saran.
 2. Sanjay Kumar Son of Late Fagu Mahto Resident of Village - Jagdishpur, P.S.- Doriganj, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2026 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 offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of six cases and petitioner no. 2 has antecedent of one case and allegation is of recovery of 31.4 liters of liquor from a motorcycle.

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and petitioner



no. 2 came to be implicated based on the fact that he is owner of the seized vehicle and name of the petitioner no. 1 was disclosed by local person, but then it is submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated, it is also submitted that petitioner no. 2 was completely unaware that his friend would misuse the vehicle in the manner as alleged who also fled from the spot. The learned counsel with respect to petitioner no. 1 submits that the name of the person who disclosed the name of the petitioner no. 1 is not disclosed in the FIR which casts an aspersion on the case of the prosecution, when petitioner no. 1 was not implicated based on secret information. It is next submitted that of late police has started implicating accused who have criminal antecedent other than excise for obvious reasons without holding a proper investigation.

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 for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on



Provisional anticipatory bail on furnishing bail bonds of Rs. 30000/- (Rupees Thirty Hundred) 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 Doriganj P.S. Case No. 340 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent 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. 1 has antecedent of more than one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his antecedent, but after verification if it is found that petitioner no. 1 has antecedent of six cases only and petitioner no. 2 has antecedent of one case only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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