

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22068 of 2026

Arising Out of PS. Case No.-486 Year-2025 Thana- KESARIA District- East Champaran

1. Kirani Rai S/O Late Jamadar Rai Resident of village - Kadhan,P.S- Kesariya,Dist- East Champaran
2. Ramlal Rai @ Ramlal Kumar Jade S/O Kirani Rai Resident of village - Kadhan,P.S- Kesariya,Dist- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-04-2026 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. 1.

3. Permission is accorded.

4. The petitioner no. 2 apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

5. Learned counsel for the petitioner submits that petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 145 liters of liquor along with 6000 lts. Of



mahua pass from Diyara area.

6. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and even alleged recovery is from a place which does not belong to the petitioner and is accessible to villagers at large and he came to implicated at the instance of chowkidar with whom he is on an inimical term, it is next submitted that if chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution when admittedly petitioner is a person with clean antecedent.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 2.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner no. 2, namely, Ramlal 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. 500/- (Rupees Five Hundred) 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 Kesariya P.S. Case No. 486 of 2025 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. 2 and in the event if it is found that petitioner no. 2 has antecedent of even one case then it would be presumed that petitioner no. 2, 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 no. 2 has clean antecedent, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Gaurav Sinha/-

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