

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22334 of 2026

Arising Out of PS. Case No.-109 Year-2026 Thana- BELAGANJ District- Gaya

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1. Pramod Kumar Son of Girjanand Yadav Resident of village- Gaharpur, Ps- Belaganj, Dist- Gaya Ji
 2. Amresh Kumar @ Abhishek Kumar son of Jamuna Yadav Resident of village- Gaharpur, Ps- Belaganj, Dist- Gaya Ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-04-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Sri Rabindra Kumar.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a), 30(c) and 30(d) of the Bihar Excise Act.
3. Learned counsel for the petitioner files a supplementary affidavit.
4. Learned counsel for the petitioners submits that petitioner no. 1 is a person with clean antecedent and petitioner no. 2 has antecedent of two cases, as would manifest from the supplementary affidavit and allegation is of recovery of 60 litres of liquor along with 1500 kg of jawa mahua from a place near a



furnace.

5. Learned counsel for the petitioners submits that the 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 and they came to be implicated at the instance of Chowkidar with whom they are on an inimical term. It is next submitted that if Chowkidar was aware about the involvement of the petitioners 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. It is also submitted that of late police has started implicating accused with criminal antecedent in cases relating to Excise for obvious reasons without holding a proper investigation.

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

7. 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. 10,000/- (Rupees Ten 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 Belaganj P.S. Case No. 109 of 2026, subject to the conditions as laid down under Section Section 482(2) of the BNSS.

8. 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 even one case and petitioner no. 2 has antecedent of more than two cases 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 criminal antecedent before this Court, but after verification if it is found that petitioner no. 1 is a person with clean antecedent and petitioner no. 2 has antecedent of two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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