

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24468 of 2026

Arising Out of PS. Case No.-15 Year-2026 Thana- ANDHRATHARHI District- Madhubani

1. Raushan Kumar S/o Tej Narayan Kamat Resident of Village- Andhra, PS- Andhratharhi, Dist.- Madhubani
2. Rohan Kumar S/o Dev Shankar Kamat @ Dev Shankar Resident of Village- Andhra, PS- Andhratharhi, Dist.- Madhubani
3. Abhishek Kumar @ Abhishek Kumar Kamat @ Abhishekh Kumar S/o Amir Lal Kamat Resident of Village- Andhra, PS- Andhratharhi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman
For the Opposite Party/s : Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-04-2026 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 Sections 274, 275 and 3(5) of the BNS, 2023 read with Sections 30(a), 30(c) and 41 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 21 liters of liquor from a hut constructed in the agricultural field of Raushan i.e. petitioner no. 1.

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 nos. 2 and 3 are not related with Raushan, but then are acquaintance being villagers. It is also submitted that agricultural field is a place outside the house and thus is accessible to public at large and no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that Raushan is on an inimical term with the Chowkidar and thus he came to be implicated at his instance. And he came to be implicated at the instance of Chowkidar. It is also 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 petitioners are admittedly is a person with clean antecedent.

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. 500/- (Rupees Five 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 Andhradharhi P.S. Case No. 15 of 2026 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 any of the petitioners have antecedent of even 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 petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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