

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30512 of 2026

Arising Out of PS. Case No.-114 Year-2026 Thana- MALSALAMI District- Patna

1. Kundan Kumar S/o Naresh Bhagat @ Chinta Rai R/o Village- Nuruddinganj Ghat, PS- Malsalami, Distt- Patna
2. Rudal Kumar S/o Naresh Bhagat @ Chinta Rai R/o Village- Nuruddinganj Ghat, PS- Malsalami, Distt- Patna
3. Suresh Das S/o Tuntun Das R/o Village- Nuruddinganj Ghat, PS- Malsalami, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 23-06-2026 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. The learned counsel for the petitioner submits that the case diary was called for and the same has been received.
4. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 900 liters of liquor from a motorcycle.
5. Learned counsel for the petitioners submits that



petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and they came to be implicated at the instance of 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 admittedly are persons with clean antecedent and have not been implicated based on secret information.

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 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 Malsalami P.S. Case No. 114 of 2026 subject to the conditions as laid down under 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 any of the petitioners have antecedent of



even one case then it would be presumed that petitioner, 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 the 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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