

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30798 of 2026

Arising Out of PS. Case No.-18 Year-2026 Thana- KUCHAIKOTE District- Gopalganj

1. Kishan Yadav S/o Ramchandra Yadav R/o Village - Shitalbardaha, P.S - Kuchaikote, District - Gopalganj, Bihar
2. Amarjeet Yadav S/o Kisan Yadav R/o Village - Shitalbardaha, P.S - Kuchaikote, District - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.1, Kishan Yadav, who during the pendency of the anticipatory bail application, was arrested.

3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.1, Kishan Yadav.

5. The petitioner no.2 seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.



6. The learned counsel for the petitioner submits that the petitioner no.2 is a person with clean antecedent and allegation is of recovery of 17.640 litres of liquor from a sugarcane field behind the house of petitioner.

7. The learned counsel for the petitioner submits that petitioner was not arrested 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 but then is adjacent to his house as such he came to be implicated at the instance of Chaukidar with whom his father is on an inimical term. It is further submitted that if Chaukidar was aware of the involvement of the petitioner in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which casts an aspersion on the case of the prosecution, when admittedly petitioner is a person with clean antecedent.

8. Learned A.P.P. opposes the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioner, the **petitioner no.2**, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on



provisional anticipatory bail on his furnishing bail-bonds in the sum 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 Kuchaikote P. S. Case No.18 of 2026, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

11. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner no.2 shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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