

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30892 of 2026

Arising Out of PS. Case No.-182 Year-2026 Thana- MALSALAMI District- Patna

1. Vijay Ray S/O Jitendra Ray R/O Damrahi Ghat (Damriyahi Ghat), P.S-Malsalami, Dist.- Patna.
2. Bittu Kumar S/O Manoj Ray R/O Damrahi Ghat (Damriyahi Ghat), P.S-Malsalami, Dist.- Patna.
3. Bharat Kumar S/O Vijay Ray R/O Damrahi Ghat (Damriyahi Ghat), P.S-Malsalami, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Arya, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

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 petitioners apprehend their arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and allegation is of
recovery of 200 litres of liquor from a CNG Auto.

4. Learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their conscious possession. It is further
submitted that petitioners are not owners of the seized vehicle



and came to be implicated at the instance of the local person but then it is submitted that 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 have not been implicated based on the secret information and are persons 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 appearing on behalf of the petitioners, let 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.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. 182 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioners have antecedent of even one



case, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification 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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