

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38449 of 2026**

Arising Out of PS. Case No.-575 Year-2026 Thana- Excise P.S. District- Muzaffarpur

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Amar Kumar Son of Bachhan Prasad Yadav @ Bachha Prasad Yadav  
Resident of Village- Jhakra, Ward no. 7, PS- Karja Dist -Muzaffarpur, Bihar  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate  
For the Opposite Party/s : Ms. Renuka Ratnakar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      18-06-2026                      1. Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 30(a) and  
32(3) of the Bihar Prohibition and Excise (Amendment) Act,  
2018/2022.

3. Learned counsel for the petitioner submits that  
petitioner has antecedent of two cases under the Excise Act and  
allegation is of recovery of 53.040 litres of liquor from a hut  
near the house of Rohit Kumar.

4. 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 the alleged  
recovery is from a place which does not belong to the petitioner.  
It is further submitted that petitioner came to be implicated



based on the confessional statement of Rohit Kumar in police custody which does not have any evidentiary value in the eye of law. It is next submitted that petitioner is the father of Rohit Kumar and no son would implicate his own father until pressure is applied.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner, above-named, in the event of his 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) 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 Muzaffarpur Excise P.S. Case No. 575 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 petitioner and if it is found that petitioner has antecedent of more than two cases, it would be presumed that petitioner had concealed his



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 petitioner has antecedent of only two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

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