

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39338 of 2026**

Arising Out of PS. Case No.-268 Year-2025 Thana- GOGRI District- Khagaria

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Amit Kumar @ Amit Kumar Nirala Son of Chandrashekhar Prasad Yadav @  
Shekhar Yadav Resident of village - Barhara, P.S.- Gogari, District - Khagaria  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

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

2      22-06-2026                      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 offence punishable under Section 30(a) of the  
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent and allegation is of  
recovery of 10 litres of liquor from bamboo orchard of the  
petitioner and 5 litres of liquor from bamboo orchard of Ranjeet  
Yadav.

4. Learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was  
recovered from his conscious possession. It is further submitted  
that no prudent person would use his own land for committing  
an occurrence and, thus, would create evidence against himself



and, hence, would get implicated. It is next submitted that bamboo orchard is a place which is accessible to villagers at large and it appears that someone inimical to the family of the petitioner concealed meager amount of liquor with an intent to implicate the entire family members. It is further submitted that petitioner came to be implicated at the instance of the Chawkidar with whom he is on an inimical term.

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.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 Gogari P.S. Case No. 268 of 2025, 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 even one case,



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 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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