

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40653 of 2026

Arising Out of PS. Case No.-52 Year-2025 Thana- Bhatni District- Madhepura

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1. Santosh Yadav @ Santosh Kumar Yadav @ Santosh Kumar S/O Mahadev Yadav R/O Village- Barahkurwa, PS- Bhatni, Distt- Madhepura
 2. Shambhu Yadav @ Shambhu @ Kumar Suman S/O Anmol Yadav R/O Village- Barahkurwa, PS- Bhatni, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Kumar Singh
For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-06-2026 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.
3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of four cases and petitioner no.2 has antecedent of two cases and allegation is of recovery of 2743.2 litres of liquor from a ten wheeler cargo truck. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not the owners of the seized truck and they came to be



implicated based on secret information which is the easiest way to implicate someone, without holding a proper investigation. It is also submitted that of late in the State of Bihar, the police is implicating accused with criminal cases mechanically in cases relating to liquor for obvious reason.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, 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.20,000/- (Rupees twenty thousand) 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 Bhatni P.S. Case No.52/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 has antecedent of more than four cases and petitioner no.2 has antecedent of more than two cases, in that event, it would be presumed that



petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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