

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39485 of 2026

Arising Out of PS. Case No.-149 Year-2025 Thana- NADI District- Supaul

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1. Anand Yadav S/o Bhupendra Yadav Resident of Village- Rasuaar Kyotapatti, P.S. - Nadi, District - Supaul
 2. Satish Yadav @ Satish Kumar @ Diesel S/o Surya Narayan Yadav R/o Village - Rasuaar Kyotappati, P.S - Nadi, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-06-2026 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.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of 8 cases, out of which, two cases are under the Excise Act and petitioner no.2 has antecedent of 3 cases, out of which, one case is under the Excise Act and allegation is of recovery of 675 litres of liquor concealed under straw kept in field of Hari Narayan Yadav on bank of Koshi river. It is next submitted that petitioners were not



arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and they have no concern or relation with Hari Narayan Yadav and they came to be implicated at the instance of local person but then it is submitted that if local people was aware of the involvement of the petitioners in the occurrence then why they did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also submitted that of late police has started implicating accused with criminal antecedent in cases relating to excise for obvious reason in a mechanical manner without holding proper investigation.

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.40,000/- (Rupees forty 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 S.T. No.1240/2026, arising out of Nadi



P.S. Case No.149/2026, 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 eight cases and petitioner no.2 has antecedent of more than three 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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