

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50619 of 2026

Arising Out of PS. Case No.-158 Year-2026 Thana- BUNIYAD GANJ District- Gaya

1. Birendra Yadav @ Birendra Kumar S/o Ramashray Yadav R/vill- Kukiyaasin, P.S.- Buniyadganj, Distt- Gayaji
2. Akhilesh Yadav S/o Baiju Yadav @ Kuldip Yadav R/o vill - Sadipur, P.S.- Buniyadganj, Distt.- Gaya Ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-07-2026 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 Sections 30(a)(d) of Bihar Prohibition and Excise Amendment Act.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 35 litres of liquor from bank of Falgu river.
4. Learned counsel for the petitioners submits 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 is accessible to public at large and they came to be implicated at the instance of chowkidar with whom they are on an inimical term. It is also submitted that if chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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 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.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 Buniyadganj P.S. Case No.158/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. 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 petitioners have antecedent of



even one case, 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 but if after verification it is found 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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