

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49857 of 2026

Arising Out of PS. Case No.-51 Year-2026 Thana- TURKAULIYA District- East Champaran

Babuddin Miyan @ Babuddin Miya @ Asraf Ali S/O Bajul Miyan @ Vajul
Miya @ Wajul Haq R/O Vill.- Chargaha Lalman Tola Ward no. 7, P.s.-
Turkauliya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar Sharma

For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-07-2026 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 Sections 274, 275,
3(5) of the BNS and Section 30(a) of Bihar Prohibition and
Excise Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 5.25 litres of liquor from house of Rukhsana
Khatoon, 18.75 litres of liquor from a place behind the house of
petitioner.
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 alleged recovery is from a place which does not belong to the petitioner but then is adjacent to his house and he has no concern or relation with Rukhsana and he came to be implicated based on confessional statement of Farhan and Rukhsana in police custody which does not have any evidentiary value.

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 for the petitioner, 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 Turkauliya P.S. Case No.51/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of even one case, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the



provisional anticipatory bail order shall not be confirmed but if on verification it is found 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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