IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76076 of 2026

CNR No. BRHC011101602026

Arising Out of PS. Case No.-451 Year-2026 Thana- BABUBARHI District- Madhubani

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1. Kanhaiya Yadav son of Upendra Yadav Resident of village- Teghra Brail P.S.- Babu Barhi District -Madhubani
2. Bablu yadav Son of Upendra Yadav Resident of village- Teghra Brail P.S.- Babu Barhi District -Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ratnakar Jha
For the Opposite Party/s : Mr.Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 29-10-2026 **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 offences punishable under Sections 30(a) and 41 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners have antecedent of one case under the Excise Act and allegation is of recovery of 62.64 litres of liquor from a Scorpio vehicle and 116.82 litres of liquor from the house of petitioner no. 2.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was

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recovered from their conscious possession and are not owner of the seized vehicle and the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioner no. 2 who had kept the liquor in the house or the liquor kept in the house was within his knowledge and they came to be implicated based on confessional statement of Indrajeet 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 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. 5,000/- (Rupees Five 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 Babubarhi P.S. Case No. 451 of 2026 subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioners have antecedent of more than

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one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioners have antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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