

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84046 of 2025

Arising Out of PS. Case No.-148 Year-2025 Thana- ANDHRAMATH District- Madhubani

1. Manoj Kumar Yadav @ Manoj Yadav S/o- Lal Babu Yadav Village- Hariraha, PS- Andhramath, District- Madhubani
2. Nitish Kumar Mandal @ Nitish Kumar S/o- Balram Mandal R/v- Kachnarwa Belahi Ps- Laukahi Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-01-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 274, 275, 317(5) and 3(5) of the B.N.S. and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases and petitioner no.2 is a person with clean antecedent and the allegation is of recovery of 108 litres of liquor from two motorcycles.

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



recovered from their conscious possession and petitioner no.1 came to be implicated based on the fact that he is owner of one of the seized motorcycle and petitioner no.2 is not the owner of any of the seized vehicle. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that petitioners were completely unaware that Rahul would misuse the vehicle in the manner as alleged as he was also apprehended at the spot.

5. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten 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 Andhramath P. S. Case No.148 of 2025, subject to the conditions laid down under Section 482(2) of the BNSS.

7. The application stands allowed.



8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than two cases and petitioner no.2 has antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner no.1 has antecedent of only two cases and petitioner no.2 has antecedent of even one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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