

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83446 of 2025

Arising Out of PS. Case No.-347 Year-2025 Thana- SIRDALA District- Nawada

1. Uday Rajbanshi @ Fatinga Son of Mahendra Rajbanshi Resident of Village- Rabiyo, Ps- Sirdalla, Dist- Nawada
2. Kundan Kumar Son of Girani Rajbanshi Resident of Village- Rabiyo, Ps- Sirdalla, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-01-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(d) and 41 of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 1600 litres of fermented Jawa Mahua from a place near a canal. 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 but then is



accessible to villagers at large and they came to be implicated at the instance of Chowkidar but then it is submitted that if Chowkidar was aware of the involvement of the petitioners 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 when petitioners admittedly are persons with clean antecedent.

4. Learned A.P.P. opposes the anticipatory bail application.

5. 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, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Nawada in connection with Sirdalla P.S. Case No.347 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. 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 petitioners have antecedents 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 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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