

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89357 of 2025

Arising Out of PS. Case No.-182 Year-2025 Thana- BARHARA District- Bhojpur

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1. Abhishek Kumar S/o Saroj Ray Resident of Village- Paiga, Police Station- Barhara, District- Bhojpur at Ara
 2. Indal Yadav S/o Bhuteli Yadav @ Bhuteni Ray @ Birendra Yadav Resident of Village- Paiga, Police Station- Barhara, District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 22-01-2026 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 Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases out of which one case is under the Excise Act and petitioner no. 2 has antecedent of eleven cases out of which eight cases are under the Excise Act and allegation is of recovery of 210 litres of liquor from a garden.

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 the alleged recovery is from a place which does not belong to the petitioners and is accessible to villagers at large. It is further submitted that petitioners came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is next submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically either at the instance of the Chawkidar, local person, confessional statement or secret information without holding a proper investigation of the case.

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, let the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.55,000/- (Rupees Fifty-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 Barhara P.S. Case No. 182 of 2025, subject to the conditions as laid down under Section 438(2) of the



Cr.P.C./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 if it is found that petitioner no. 1 has antecedent of more than two cases and petitioner no. 2 has antecedent of more than eleven cases, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner no. 1 has antecedent of only two cases and petitioner no. 2 has antecedent of only eleven cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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