

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91156 of 2025

Arising Out of PS. Case No.-1004 Year-2025 Thana- MAHUA District- Vaishali

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1. Abhishek Kumar S/O Pawan Rai Resident of Village - Litiyahi, Police Station- Ganga bridge, Dist- Vaishali
 2. Ankit Kumar S/O Nawal Rai Resident of Village - Litiyahi, Police Station- Ganga bridge, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sweety Sinha, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-01-2026 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 274 and 275 of B.N.S., 2023 as well as Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedents of four cases out of which three cases are under the Excise Act and petitioner no.2 has antecedents of two cases under the Excise Act and allegation is of recovery of 1840 litres of liquor from a pickup vehicle. It is next submitted that petitioners were not arrested from the spot,



as such, nothing was recovered from their conscious possession and are not the owner of the seized vehicle. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically without holding a proper investigation either at the instance of Chowkidar, local person, confessional statement or secret information and at times the antecedent itself becomes a ground for implication.

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.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Prohibition and Excise Court-II-cum-District and Additional Sessions Judge, Hajipur, Vaishali in connection with Mahua P.S. Case No.1004 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 petitioner no.1 has antecedents of more than four cases and petitioner no.2 has antecedents of more than two cases, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedents 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 antecedents of only four cases and petitioner no.2 has antecedents of only two cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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