

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.169 of 2026**

Arising Out of PS. Case No.-467 Year-2025 Thana- MOTIHARI MUFASIL District- East  
Champaran

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Akash Kumar Son of Gautam Yadav Resident of Village- Shankar Saraiya  
Ahir Toli, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Advocate  
For the Opposite Party/s : Mr. Akbar Ali, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      13-01-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner apprehends his arrest in a case registered  
for the offences punishable under Sections 317(5), 338 and  
336(3) of B.N.S., 2023 as well as Section 30(a) of Bihar  
Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent and allegation is of  
recovery of 78 litres of liquor from a motorcycle. It is next  
submitted that petitioner was not arrested from the spot, as such,  
nothing was recovered from his conscious possession and is not  
the owner of the seized vehicle and came to be implicated based  
on confessional statement of the apprehended accused in police



custody which does not have any evidentiary value.

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

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bond in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-I, East Champaran, Motihari in connection with Muffasil P.S. Case No.467 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his 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 is a person with clean antecedent, in that event, the  
provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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