

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.383 of 2026

Arising Out of PS. Case No.-779 Year-2025 Thana- KADAMKUAN District- Patna

1. Dhoni Kumar son of chandan Ram Resident Of Village- Nala Road
Ambedkar Bhawan PS -Kadamkuan District -Patna
2. Neelam Devi wife of Chandan Ram Resident Of Village- Nala Road
Ambedkar Bhawan PS -Kadamkuan District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh No. I, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in a case
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioners submits that
petitioners have antecedent of one case under the Excise Act and
petitioner no.2 is a woman and allegation is of recovery of 140
litres of liquor from the backyard of Ambedkar Bhawan. 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 and they came to be implicated at the instance of local person but then name of the person, who disclosed the name of the petitioners, is not disclosed in the FIR, which casts an aspersion on the case of the prosecution. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, 2nd, Patna in connection with Kadamkuan P.S. Case No.779 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 antecedent of more than 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 have antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

U		T	
---	--	---	--

