

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90722 of 2025

Arising Out of PS. Case No.-275 Year-2025 Thana- DEV District- Aurangabad

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1. Paichu Bhuiyan @ Arvind Bhuiyan @ Arvind S/o Vishnupat Bhuiyan R/o Village- Dhabhi, PS- Deo, District- Aurangabad, Bihar
 2. Ramkesh Bhuiyan S/o Sahdeo Bhuiyan R/o Village- Dhabhi, PS- Deo, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 08-01-2026 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 petitioners are persons with clean antecedent and allegation is of recovery of 87 litres of liquor from a place near the poultry farm of petitioner no. 1 and 27 litres of liquor from the house of petitioner no. 2.

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 as far as



allegation of recovery of 87 litres of liquor is alleged, the same was recovered from a place adjacent to the poultry farm of the petitioner no. 1 and house in question is a joint family property, as such, it cannot be alleged with certainty that it was the petitioner no. 2 who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioner no. 2. It is next submitted that petitioners came to be implicated based on the secret information which is the easiest way to implicate someone, when petitioners admittedly are persons with clean antecedent.

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.500/- (Rupees Five Hundred) 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 Deo P.S. Case No. 275 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482 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 petitioners have antecedent of even one case, 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 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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