

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1878 of 2026

Arising Out of PS. Case No.-499 Year-2025 Thana- BHAGWANPUR HAT District- Siwan

1. Vikash Kumar S/O Hiralal Prasad Resident of Village - Bithuna, P.S. - Basantpur, District - Siwan
2. Deepak Kumar S/O Hiralal Prasad Resident of Village - Bithuna, P.S. - Basantpur, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-01-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 2 (Deepak Kumar), who was arrested during pendency of the instant anticipatory bail application.

3. Permission is accorded.

4. Accordingly, the anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 2 (Deepak Kumar).

5. The petitioner no. 1 apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the



Bihar Excise Act.

6. Learned counsel for the petitioner submits that though at para-3 of the anticipatory bail application, it has been pleaded that petitioner no. 1 is a person with clean antecedent, but then subsequent to filing of the instant anticipatory bail application, petitioner no. 1 came to be implicated in one case as such the petitioner no. 1 has antecedent of one case and allegation is of recovery of 3335.400 litres of liquor from a truck.

7. Learned counsel for the petitioner submits that the 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 he came to be implicated based on confessional statement of Pradeep in police custody which does not have any evidentiary value.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner no. 1 above-named, in the event of his 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. 5,000/- (Rupees Five Thousand) 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 Bhagwanpur Hat P.S. Case No. 499 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

10. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than one case then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

11. At this stage, the learned counsel for the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs. 10,000/- with Advocate Association, Patna High Court.

(Satyavrat Verma, J)

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