

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4238 of 2026

Arising Out of PS. Case No.-360 Year-2018 Thana- MAIRWAN District- Siwan

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1. Shiv Shankar Singh Son of Ramakant Singh Resident of Village - Patauwa, P.S - Darauli, Dist. - Siwan.
 2. Arjun Singh Son of Mangaldev Singh Resident of Village - Patauwa, P.S - Darauli, Dist. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-01-2026 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 offences punishable under Sections 272, 273 and 308/34 of the Indian Penal Code as well as Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case but then petitioner no. 1 was acquitted in the case and allegation is of recovery of 129.600 litres of liquor from a bush.

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 even the alleged



recovery is from a place which does not belong to the petitioners and is accessible to villagers at large. It is further submitted that petitioners came to be implicated at the instance of the local person but then the 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.

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.5,000/- (Rupees Five Thousand) 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 Mairwa P.S. Case No. 360 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) 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 petitioner no. 1 has antecedent of even one



case besides the case in which he has been acquitted and petitioner no. 2 has antecedent of more than 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 petitioner no. 1 is a person with clean antecedent besides the case in which he has been acquitted and petitioner no. 2 has antecedent of only one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs.2,500/- with the Advocate Association of the Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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