

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91674 of 2025

Arising Out of PS. Case No.-209 Year-2025 Thana- BHAPTIAHI District- Supaul

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1. Shankar Paswan son of Dinesh Yadav Resident of Village- Korhali, Ward No. 2, P.S.- Karjain ,District- Supaul
 2. Surendra Yadav @ Surendra Kumar son of Nunulal Yadav Resident of Village- Korhali, Ward No. 2, P.S.- Karjain ,District- Supaul At present Resident of Village- Simrahi Ward no. 2, Ps- Bhaptiyahi, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh
For the Opposite Party/s : Ms. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-01-2026 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 Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 120 litres of liquor from a motorcycle. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and petitioner no.1 came to be implicated based on the fact that he is owner of the seized vehicle. It is next submitted that no prudent



person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that the petitioners were completely unaware that their friend would misuse the vehicle in the manner as alleged. It is next submitted that the name of petitioner no.2 transpired based on disclosure made by the local person but then the name of the person who disclosed the name of the petitioner no.2 is not disclosed in the FIR which casts an aspersion on the case of the prosecution when petitioners admittedly are persons with clean antecedent.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 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 Bhaptiyahi P.S. Case No.209/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of even one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found 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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