

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91402 of 2025

Arising Out of PS. Case No.-150 Year-2025 Thana- Jaitpur District- Muzaffarpur

1. Dipak Kumar S/o- Paltu Rai Village- Amaitha PS- Jaitpur District- Muzaffarpur
2. Sanjay Tiwary S/o- Binda Tiwary Village- Amaitha PS- Jaitpur District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anjana, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-01-2026 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.

3. Learned counsel for the petitioners submits that petitioner no.1 is a person with clean antecedent and petitioner no. 2 has antecedent of one case and allegation is of recovery of 3.6 litres of liquor from house of Devendra Rai. 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 is own brother of Devendra Rai while



petitioner no.2 is a co-villager. It is next submitted that the house in question is a joint family property, as such, it cannot be alleged with certainty that it was petitioner no.1 who had kept the liquor in the house or the liquor kept in the house was within his knowledge and the petitioners came to be implicated based on secret information which is the easiest way to implicate someone.

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 Special Judge, Excise Court No.-II, Muzaffarpur in connection with Jaitpur P.S. Case No.150 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 petitioner no.1 has antecedent of even one case and petitioner no.2 has 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 petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedents of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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