

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO. _____ OF 2026
(@ Special Leave Petition (Cr1.) No.5545/2026)

KUMAR VIPLAV

...APPELLANT(S)

VERSUS

THE STATE OF BIHAR

...RESPONDENT(S)

O R D E R

Leave granted.

This appeal challenges the order dated 30.01.2026 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No.89461/2025 in Criminal Miscellaneous No.78692/2025.

This criminal appeal arises out of crime registered pursuant to FIR No. 19 of 2022 dated 22.02.2022 lodged with PS Maranchi (Pach Mohalla O.P.), District Patna, registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016. Anticipating arrest in connection with this crime, the appellant preferred Criminal Miscellaneous No.78692/2025 for anticipatory bail before the High Court of Judicature at Patna.

By order dated 04.12.2025, the High Court provisionally granted anticipatory bail subject to verification that the appellant had no criminal antecedents. Thereafter, the appellant filed a modification application being Criminal Miscellaneous No.89461/2025 before the High Court to disclose a criminal antecedent. Subsequently, by impugned order dated 30.01.2026, the High Court did not confirm the provisional order, thereby denying the relief of anticipatory bail. Hence, the instant appeal has been preferred.

By order dated 02.04.2026, this Court issued notice in the instant matter and granted interim protection to the appellant herein.

We have heard learned counsel for the appellant and learned counsel appearing for the respondent/State and perused the material on record.

Learned counsel for the appellant submitted that merely because the appellant is the owner of Scorpio vehicle, he has been proceeded against. The appellant has an apprehension that he would be arrested. In the circumstances, this appeal has been filed assailing the order of the High Court rejecting the plea made by the appellant for anticipatory plea. This Court vide interim

order dated 02.04.2026 has granted interim protection to the appellant herein. In the circumstances, the impugned order may be set aside and relief of anticipatory bail be granted to the appellant herein subject to the terms and conditions that may be imposed by this Court.

Per contra, learned counsel for the respondent/State with reference to his counter affidavit contended that the appellant herein has a criminal antecedent under Sections 323, 341, 379, 387 read with Section 34 of the Indian Penal Code, 1860, all relatable to a single incident. He did not reveal the same before the High Court. In the circumstances, the impugned order is just and proper and the same would not call for any interference at the hands of this Court.

Considering the circumstances on record, in our view, the appellant is entitled to the relief of anticipatory bail claimed.

We, therefore, allow this appeal and set aside the order passed by the High Court of Judicature at Patna dated 30.01.2026. We direct that in the event of arrest of the appellant, the Arresting Officer shall release the appellant on bail, subject to furnishing cash security in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) with two like sureties.

It is directed that the appellant shall extend complete cooperation in the ensuing trial.

The appellant shall not misuse his liberty and shall not in any way influence the witnesses or tamper with the material on record.

With the aforesaid directions, the criminal appeal is allowed.

.....J.
[B.V. NAGARATHNA]

.....J.
[UJJAL BHUYAN]

NEW DELHI
MAY 11, 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5545/2026

[Arising out of impugned final judgment and order dated 30-01-2026
in CRLM No. 89461/2025 in Criminal Miscellaneous No.78692/2025
passed by the High Court of Judicature at Patna]

KUMAR VIPLAV

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

FOR ADMISSION

IA No. 94837/2026 - EXEMPTION FROM FILING O.T.

Date : 11-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :Mr. Shyam Kishore Sharma, Sr. Adv. (Not present)
Ms. Prerna Singh, AOR
Mr. Sudhanshu, Adv.
Dr. Koushlendra Narayan, Adv.For Respondent(s) :Mr. Samir Ali Khan, AOR
Mr. Pranjal Sharma, Adv.
Mr. Kashif Irshad Khan Faridi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The Appeal is allowed in terms of the signed
order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
DEPUTY REGISTRAR(DIVYA BABBAR)
COURT MASTER (NSH)

(signed order is placed on the file)