

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8076 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- EXCISE PATORI District- Samastipur

Kanhai Singh @ Kanhaiya Singh S/o Late Jethu Mahto, R/o Village-
Kalyanganj Bangraha, P.S- Vidyapati Nagar, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Excise and Prohibition (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 215.28 litres of liquor from old house of the petitioner. It is next submitted that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that after amendment in the Excise Act in the year 2018, the concept of presumed possession and presumed offender has been done away with. It is next submitted that from perusal of the allegation as alleged



in the FIR, it would manifest that the informant himself alleges that the liquor was recovered from old house of the petitioner. It is further submitted that the said house is in a dilapidated condition and no one stays there, and as such, it might be a possibility that villagers taking advantage of the said fact might have concealed liquor as no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and would get implicated.

4. Learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner 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. 500/- (Rupees Five Hundred only) 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 **Patori Excise P.S. Case No. 2 of 2025**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. It is made clear that 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 even one case, in that event, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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