

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12770 of 2025

Arising Out of PS. Case No.-266 Year-2024 Thana- LADANIA District- Madhubani

1. Sriram Paswan @ Shri Ram Paswan S/o- Late Sharib Paswan Resident of Village - Pathrahi, Sarsara Tol, P.S.- Ladaniya, District- Madhubani
2. Santosh Paswan @ Santosh Kumar Paswan S/o Late Ghuran Paswan Resident of Village - Pathrahi, Sarsara Tol, P.S.- Ladaniya, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-03-2025 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 30(a) and 47 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases and petitioner no. 2 has antecedent of one case.

4. Allegation is of recovery of 15 litres of liquor from an open place.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further



submitted that even the alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large. It is next submitted that petitioners came to be implicated based on confessional statement of apprehended accused, namely, Bare Lal Paswan in police custody which does not have any evidentiary value in the eye of law. It is also submitted that after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with.

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

7. 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 Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ladaniya P.S. Case No. 266 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. 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 more than two cases and petitioner no. 2 has antecedent of more than one case in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner no. 1 has antecedent of only two cases and petitioner no. 2 has antecedent of only one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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