

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12891 of 2025

Arising Out of PS. Case No.-51 Year-2020 Thana- SUPAUL District- Supaul

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Mohan Bhagat @ Prakash Kumar Bhagat Son of Baiju Bhagat @ Baija Nath Prasad Bhagat R/o Village -Ramdattpatti, Ghurghur (Ghurghur Chowk), Ward No.08, P.S and Dist. -Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kaushal Kishor, Adv
Mr. Bhuvaneswar Sahu, Adv
For the Opposite Party/s : Ms.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-04-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act and Sections 414, 420, 465, 468 and 471 of the India Penal Code.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 115.875 litres of liquor from a vehicle.

4. Learned counsel for the petitioner next submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized vehicle and he came to be implicated based



on confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is further submitted that after the amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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) 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 Supaul P.S. Case No. 51 of 2020, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear 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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