

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16694 of 2025**

Arising Out of PS. Case No.-84 Year-2022 Thana- RAGHUNATHPUR District- Siwan

Rajesh Bhar @ Rajesh Rai @ Rajesh Kumar Rai Son of Ravindra Rai village-
Maharauli , P.S- Raghunathpur , Dist -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s: Mr. Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 16-04-2025 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
Prohibition & Excise Act, 2016.

3. Learned counsel for the petitioner submits that the peti-
tioner is having antecedent of two cases and allegation is of re-
covery of 38.300 liters of liquor from the petitioner's house and
cow shed.

4. Learned counsel for the petitioner submits that the peti-
tioner was not arrested from the spot as such nothing was recov-
ered from his conscious possession and after 2018 amendment
in the Excise Act, the concept of deemed possession and pre-
sumed offender has been done away with. It is further submitted



that the house in question is a joint family property and it cannot be alleged with certainty that it was the petitioner who kept the liquor in the house or the liquor kept in the house was within his knowledge. It is next submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that he came to be implicated in the present case at the instance of the Chowkidar. It is also submitted that once an accused is implicated in cases relating to excise, the police starts implicating in a mechanical manner either at the instance of Chowkidar, secret information or local people.

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.10,000/- (Rupees Ten Thousand) 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 Raghunathpur P.S. Case No.84 of 2022, 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 more than two cases in that event the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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