

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16727 of 2025

Arising Out of PS. Case No.-610 Year-2024 Thana- LAHERIMUHALLA District- Nalanda

1. Babloo Yadav @ Babloo Kumar S/O Naresh Yadav R/O Mohalla- Alamganj, Yadav Tola, P.S- Laheri, Distt.- Nalanda.
2. Upendra Yadav S/O Naresh Yadav R/O Mohalla- Alamganj, Yadav Tola, P.S- Laheri, Distt.- Nalanda.
3. Dharmendra Yadav @ Dharmendra Kumar S/O Naresh Yadav R/O Mohalla- Alamganj, Yadav Tola, P.S- Laheri, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Opposite Party/s : Ms. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 16-04-2025 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 132, 115(2) and 3(5) of the BNS as well as Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
4. Allegation is of recovery of 26 litres of liquor from the house of Dharmendra Yadav along with Rs.4,96,722/-.
5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that the house in question is a joint family property, as such, it cannot be alleged with certainty that it were the petitioners who had kept the liquor in their house or the liquor kept in the house was within their knowledge. It is reiterated and submitted that petitioners are persons with clean antecedent and they came to be implicated based on the confessional statement of Saroj Devi in police custody which does not have any evidentiary value in the eye of law. It is next submitted that petitioners have no concern with Saroj Devi.

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.500/- (Rupees Five Hundred) 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



Laheri P.S. Case No. 610 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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 petitioners have antecedent of even one case in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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