

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24709 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- ISUAPUR District- Saran

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1. Budha Singh @ Harendra Singh S/O Late Ram Ishwar Singh R/O Vill.-
Datra Pursauli, P.S.- Isuapur, Dist.- Saran
 2. Aryan Singh @ Raja S/O Late Sudhir Singh R/O Vill.- Vikrampur, P.S.-
Marhaura, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : MrsAsha Devi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-05-2025 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 Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioners submits that the
petitioner No. 1 is a person with clean antecedent and Petitioner
No. 2 has antecedent of one case and allegation is of recovery of
21.015 litres of liquor from the house of petitioner No. 1.

4. Learned counsel for the petitioners submits that the
petitioners were not arrested from the spot as such nothing was
recovered from their conscious possession and after the



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 was petitioner No. 1 who had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is further submitted that petitioner No. 2 came to be implicated in the instant case only for the reason that he has one antecedent under the Excise Act based on secret information, which is easiest way to implicate someone.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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. 5,000/- (Rupees Five Thousand) each 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 Isuapur P.S. Case No. 41 of 2025, subject to the conditions as laid down under Section Section 482(2) of the BNSS.



7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner No. 1 has antecedent of even one case and Petitioner No. 2 has antecedent of more than one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner No. 1 is a person with clean antecedent and Petitioner No. 2 has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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