

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37723 of 2025

Arising Out of PS. Case No.-415 Year-2022 Thana- MANER District- Patna

1. Sanchit Ray S/o Sampat Ray @ Shyam Narayan Roy Resident Of Village-Jeevrakhan Tola, Goaraiyasthan, Ps- Maner, Distt.- Patna
2. Ravindra Ray S/o Sampat Ray @ Shyam Narayan Roy Resident Of Village-Jeevrakhan Tola, Goaraiyasthan, Ps- Maner, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Ms. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-06-2025 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1 (Sanchit Ray), as he was arrested during pendency of the instant anticipatory bail application.
3. Permission is accorded.
- 4. Accordingly, the instant anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 1 only.**
5. The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.



6. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 6 liters of liquor from the house of Sanchit Ray and 4 liters of liquor from the house of petitioner no. 2.

7. Learned counsel for the petitioner submits that petitioner was not arrested from the spot as such nothing was recovered from his 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 and the house in question is a joint family property, as such, it cannot be alleged with certainty that it was the petitioner who had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is next submitted that petitioner came to be implicated at the instance of local person, but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution.

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

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner no. 2 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 Maner P.S. Case No. 415 of 2022 subject to the conditions as laid down under Section 482 (2) of the BNSS.

10. It is made clear that the learned Trial Court after accepting the provisional anticipatory bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of even one case then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail shall not be confirmed, but in the event if it is found that petitioner is a person with clean antecedent in that event the provisional anticipatory bail bonds shall be confirmed forthwith.

(Satyavrat Verma, J)

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