

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58601 of 2025

Arising Out of PS. Case No.-462 Year-2023 Thana- BEUR District- Patna

Abhishek Kumar Srivastav @ Abhishek Shrivastav S/O Anil Kumar Srivastav
R/O Near New Bus Stand Bhupatipur, Kankarbagh, P.O- Lohia Nagar, P.S-
Ram Krishna Nagar, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajni Kant Singh, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 04-11-2025 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 Sections 30(a) and
37 of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the
case was taken up on 23.09.2025, when case diary along with
antecedent report of the petitioner was called for, but the same
till date has not been received.
4. The Court will not wait endlessly for the case diary
and the antecedent report.
5. Learned counsel for the petitioner submits that
petitioner has antecedent of 8 cases and allegation is of recovery



of 237.1 liters of liquor from a Car.

6. Learned counsel for the petitioner submits that petitioner was not apprehended 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 also submitted that after amendment in the excise act in the year 2018, the concept of deemed possession and presumed offender has been done away with.

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

8. 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. 40,000/- (Rupees Forty 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 Beur P.S. Case No. 462 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.



9. 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 eight cases 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 order shall not be confirmed, but after verification if it is found that petitioner has antecedent of eight cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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