

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59053 of 2025

Arising Out of PS. Case No.-94 Year-2025 Thana- HASANPUR District- Samastipur

Saharsh Samir @ Gudda Singh @ Gudda Singh @ Saharsh Samir S/o Baidhai
Sharan Singh Resident of Village- Arapur, PS- Hasanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Adv.

For the Opposite Party/s : Ms. Meena Singh, 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 41(i) (ii) 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 was called for, but the same till date has not been received.
4. The Court will not wait endlessly for the case diary.
5. Learned counsel for the petitioner submits that petitioner has antecedent of seven cases and allegation is of recovery of 574.200 liters of liquor from a pick-up vehicle.
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 Raja and Golu in police custody which does not have any evidentiary value. It is further 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. It is also submitted that since petitioner has antecedents, as such, police deliberately got him implicated through Raja and Golu.

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. 35,000/- (Rupees Thirty Five 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 Hasanpur P.S. Case No. 94 of 2025 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 seven 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 seven cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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