

Arising Out of PS. Case No.-618 Year-2018 Thana- MASAUDHI District- Patna

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- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : **Mr. Chandra Sen Prasad Singh, APP**

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-11-2025 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. The learned counsel for the petitioners submits that the case was taken up on 24.09.2025 when case diary was called for along with the present status of the case from the learned Special Judge, Excise-III, Patna but the same till date has not been received.

4. The Court will not wait endlessly for the case diary and the status report.



5. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 70 liters of liquor from different places out of which 15 liters of liquor is alleged to have been recovered from the house of petitioner no. 1 and 5 liters of liquor is alleged to have been recovered from the house of petitioner no. 2.

6. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and the house in question is a joint family property, as such, it cannot be alleged with certainty that it were petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge 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 they came to be implicated based on secret information which is the easiest way to implicate someone.

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

8. 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. 500/- (Rupees Five Hundred) 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 Masaudhi P.S. Case No. 618 of 2018 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 petitioners and in the event if it is found that any of the petitioners have antecedent of even 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 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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