

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79221 of 2025

Arising Out of PS. Case No.-315 Year-2025 Thana- ROSERA District- Samastipur

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Anjani Kumar Swatantra @ Anjani Kumar S/o Late Ram Narayan Mahto
Resident of Village- Dhatta, Ward No 08, PS- Rosra, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioner submits that petitioner has antecedents of four cases and allegation is of recovery of 900 ml. of liquor from the house of the petitioner. It is next submitted that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and the house in question is a joint family property, as such, it cannot be alleged with certainty that it was petitioner who had kept the liquor in the house or the liquor kept in the house was within his 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 he came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that a trend has started to implicate those who are having antecedent under the Excise Act considering the enactment where anticipatory bail is not maintainable.

4. Learned A.P.P. opposes the anticipatory bail application.

5. 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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-I, Samastipur in connection with Rosera P.S. Case No.315 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify



the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedents of more than four cases, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedents of only four cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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