

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87234 of 2025

Arising Out of PS. Case No.-158 Year-2025 Thana- EXCISE ROSERA District- Samastipur

1. Daya Lal Mukhiya S/O Late Janak Mukhiya R/O Village- Belhar, Ward No. 10, P.S- Shivajinagar, Distt.- Samastipur.
2. Satya Narayan Mukhiya S/O Badri Narayan Mukhiya R/O Village- Belhar, Ward No. 10, P.S- Shivajinagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-12-2025 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 255.960 litres of liquor from the house of the petitioners. It is next submitted that petitioners were not arrested 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 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 they came to be implicated based on secret information which is the easiest way to implicate someone, when petitioners admittedly are persons with clean antecedent.

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

5. 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 Court below 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 Rosera Excise P.S. Case No.158/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of



even one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification 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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