

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1884 of 2026

Arising Out of PS. Case No.-412 Year-2024 Thana- BHAGWANPUR HAT District- Siwan

Ritesh Kumar Gupta Son of Binod Kumar Gupta R/O - Kharidbangali Para,
P.S.- Kharagpur, Dist.- West Midnapore, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma

For the Opposite Party/s : Ms.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-01-2026 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 274, 275,
123, 110, 105, 238, 61(2) of BNS and Sections 30(a), 33, 34,
37b of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and allegation is of
recovery of liquor from the house of accused persons as detailed
in the FIR. It is next submitted that the informant alleges that on
16-10-2024 at about 6:25 am, he received a telephonic
information that two persons had died under suspicious
circumstances and 10-15 persons were having health issues,
accordingly he reached the place of occurrence and found two



dead bodies and family members of the deceased informed that both had consumed liquor which was purchased from Rajni Kant Kumar.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that earlier also petitioner came to be implicated in a similar case for which Mashrak PS Case No. 578 of 2024 was instituted, in the said case the petitioner had moved before this Court seeking anticipatory bail by filing Cr. Misc No. 18034 of 2025 and the same came to be allowed by an order dated 26-9-2025. It is further submitted that petitioner is not named in the instant FIR and his name transpired based the confessional statement of Deepak, who has already been granted the privilege of regular bail by the learned district court. It is also submitted that confessional statement of apprehended-accused in police custody does not have any evidentiary value. It is next submitted that when person based on whose disclosure the name of the petitioner transpired, has been granted the privilege of regular bail, no useful purpose would be served by sending the petitioner to jail. It is submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence. It is further submitted that



no doubt the Excise Act prohibits anticipatory bail, but in the nature of allegation as alleged in the FIR, *prima facie* no offence under the Excise Act is made out as nothing was recovered from the conscious possession of the petitioner and his name transpired in the confessional statement of apprehended accused and after 2018 amendment in the Excise Act, the concept of deemed possession and presumed offender has been done away with.

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

6. 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. 5,000/- (Rupees 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 Bhagwanpur Hat P.S. Case No. 412 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. 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 one



case 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 one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, the learned counsel for the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs. 5,000/- with Advocates' Association, Patna High Court.

9. However, it is further made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

10. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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