

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3543 of 2026

Arising Out of PS. Case No.-131 Year-2025 Thana- ANGARGHAT District- Samastipur

Baiju Sah Son of Late Sajani Sah Resident of village - Supaul, Police Station
- Angarghat, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-01-2026 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 (Amendment) Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 47.07 litres of liquor from 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 confessional statement of Sanju Devi in police custody, which does not have any evidentiary value. It is also submitted that Sanju Devi is wife of the petitioner and she was made to confess the name of the petitioner in police custody, when petitioner admittedly is a person with clean antecedent.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of learned Exclusive Court of learned Special Judge Excise-I, Samastipur in connection with Angarghat P.S. Case No.131 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 bond of the petitioner shall verify



the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, 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 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioner, based on instruction, submits that petitioner undertakes to deposit an amount of Rs.1500/- with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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