

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2880 of 2026

Arising Out of PS. Case No.-245 Year-2025 Thana- SAHAR District- Bhojpur

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Rohit Gupta @ Rohit Kumar Son of Ramnath Gupta @ Ram Nath Prasad @
Ramnath Saw @ Ramnath Prasad Resident of Village- Sahar, P.S.- Sahar,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar .

For the Opposite Party/s : Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-01-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a)(d) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 59.750 litres of liquor from the house of the
petitioner along with 235 litres of mahua pass which was
destroyed.
4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and even the house in



question is a joint family property and thus, it cannot be alleged with certainty that it was the 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, 2018, the concept of deemed possession and presumed offender has been done away with and he came to be implicated at the instance of Chaukidar with whom he is on an inimical term. It is further submitted that if Chaukidar was aware of the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which casts an aspersion on the case of the prosecution.

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

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) 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 Sahar P. S. Case No.245 of 2025, subject to the conditions laid



down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. 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 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.

9. At this stage, the learned counsel appearing on behalf of the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs.1500/- with Advocates' Association, Patna High Court, Patna.

(Satyavrat Verma, J)

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