

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5694 of 2026

Arising Out of PS. Case No.-897 Year-2025 Thana- MAJHAULIA District- West Champaran

Suresh Paswan S/O Late Paltan Paswan R/O Village- Rajabhar, Ward No. 2,
P.S.- Majhauriya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyan Prakash

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-02-2026 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that in the order impugned it has been recorded that petitioner has antecedent of two cases when petitioner has antecedent of one case, which has been pleaded at Para-3 of the anticipatory bail application. It is thus submitted that the defect as pointed out by the office with regard to criminal antecedent be ignored.

4. In view of the submission made by the learned counsel for the petitioner, the defect as pointed out by the office is hereby ignored.



5. Learned counsel for the petitioner submits that petitioner has antecedent of one case under the Excise Act and allegation is of recovery of 4 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 at the instance of chowkidar but then it is submitted that if chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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

7. 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 from today, be released on



provisional anticipatory bail on furnishing bail bonds of Rs.5000/- (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 Majhauriya P.S. Case No.897/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

8. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than one case, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

9. At this stage, the learned counsel for the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs.2500/- with Lawyers' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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