

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4037 of 2026

Arising Out of PS. Case No.-586 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

-
1. Rohit Kumar S/O Deena Lal Jaiswal Resident of Village- Madhubani Ghat,
P.S- Muffasil, Dist.- Motihari at East Champaran
 2. Rahul Kumar S/O Deena Lal Jaiswal Resident of Village- Madhubani Ghat,
P.S- Muffasil, Dist.- Motihari at East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-01-2026 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 offences punishable under Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and allegation is of
recovery of 8.560 liters of liquor from house of Shantlal Jaiswal
and 112.8 liters of liquor from house of petitioners.

4. Learned counsel for the petitioners submits that
petitioners were not apprehended 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 were petitioners who had kept the liquor in the house or the liquor kept in the house was within their 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 confessional statement of apprehended accused in police custody which does not have any evidentiary value.

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

6. 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 Trial Court 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 Mufassil P.S. Case No. 586 of 2025 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 petitioners and



in the event if it is found that any of the petitioners have antecedent of even one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

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

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

