

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13002 of 2026

Arising Out of PS. Case No.-248 Year-2025 Thana- EXCISE UDAKISHUNGANJ District-
Madhepura

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Shambhu Sharma @ Shambhoo Sharma S/o- Umesh Sharma R/v-
Madhwapur W.No-5, Ps- Bhawanipur Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-03-2026 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 Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 200 litres of liquor from an E-rickshaw. It is next
submitted that petitioner was not arrested from the spot, as such,
nothing was recovered from his conscious possession and is not
the owner of the seized E-rickshaw and came to be implicated
based on confessional statement of Dilip Kumar in police
custody, which does not have any evidentiary value. It is also



submitted that after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with.

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 District & Additional Sessions Judge-VII-cum-Special Judge, Excise-II, Madhepura in connection with Udakishunganj Excise P.S. Case No.248 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.

(Satyavrat Verma, J)

Sanjay/-

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