

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12403 of 2026

Arising Out of PS. Case No.-220 Year-2025 Thana- Excise P.S. District- Nawada

Mohit Kumar Son of Ramashish Singh Resident of Village - Marchai, P.S.-
Satgama, District - Koderma (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar \

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-03-2026 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 offences punishable under Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of eight cases under the Excise Act and
allegation is of recovery of 28.875 litres of liquor from the
possession of Deepak.

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and he came to be
implicated based on confessional statement of Deepak in police
custody which does not have any evidentiary value. It is



submitted that after 2018 amendment in the Excise Act, the concept of deemed possession and presumed offender has been done away with. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation. It is also submitted that petitioner earlier also came to be implicated in a similar manner.

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

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 trial court within a period of six weeks from today, be released on Provisional anticipatory bail on furnishing bail bonds of Rs. 40,000/- (Rupees Forty 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 Nawada Excise P.S. Case No. 220 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 petitioner and in the event if it is found that petitioner has antecedent of more than



eight cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of eight case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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