

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13833 of 2026

Arising Out of PS. Case No.-559 Year-2025 Thana- KARAKAT District- Rohtas

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1. Dinesh Pasi Son of Late Bridha Pasi Resident of Raghunathpur Baal, P.S. - Karakat, Dist. - Rohtas.
 2. Gorakh Pasi Son of Late Fagu Pasi Resident of Raghunathpur Baal, P.S. - Karakat, Dist. - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamla Kant Pandey, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 12-03-2026 1. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1, namely, Dinesh Pasi who was arrested during pending of the same.
2. Permission is accorded.
3. Accordingly, the anticipatory bail application with respect to petitioner no. 1 is dismissed as withdrawn.
4. Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.
5. The petitioner no. 2 apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018-22.
6. Learned counsel for the petitioner no. 2 submits



that petitioner no. 2 has antecedent of one case under the Excise Act and allegation is of recovery of 2 litres of liquor from the house of Ramji Pasi.

7. Learned counsel for the petitioner no. 2 submits that petitioner no. 2 was not arrested from the spot, as such, nothing was recovered from his conscious possession and even the alleged recovery is from a house which does not belong to the petitioner no. 2 and he came to be implicated based on the confessional statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law. It is further submitted that petitioner no. 2 has no relation or concern with Ramji Pasi. It is next 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

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 2.

9. Considering the submissions made by the learned counsel for the petitioner no. 2, let the petitioner no. 2, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5,000/- (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 Karakat P.S. Case No. 559 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

10. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner no. 2 and if it is found that petitioner no. 2 has antecedent of more than one case, it would be presumed that petitioner no. 2 had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner no. 2 has antecedent of only one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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