

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16153 of 2026

Arising Out of PS. Case No.-359 Year-2020 Thana- BYPASS District- Patna

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1. Bhola Kumar @ Rupesh Kumar son of Ranjeet Saw @ Ranjit Sah Resident of Village - Karmali Chak Begampur, PS - Bypass, PO - Patna City, Patna
 2. Chhotu Kumar @ Vikash Kumar Son of Ranjeet Saw @ Ranjit Sah Resident of Village - Karmali Chak Begampur, PS - Bypass, PO - Patna City, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Basheer Faizi, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 16-04-2026 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 Sections 147, 149, 341, 342, 353, 504, 506 and 34 of the Indian Penal Code as well as Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and allegation is of recovery of 4.400 litres of liquor from possession of Rahul Kumar.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession. It is further submitted that petitioners came to be implicated based on the confessional statement of Rahul Kumar in police custody which does not have any evidentiary value in the eye of law. It is next submitted that petitioners have no concern or relation with Rahul Kumar. 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.

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 appearing on behalf of the petitioners, let the petitioners, above-named, in the event of their 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) 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 Bypass P.S. Case No. 359 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned



Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioners have antecedent of more than one case, it would be presumed that petitioners had concealed their 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 petitioners have antecedent of only one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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