

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19286 of 2026**

Arising Out of PS. Case No.-352 Year-2025 Thana- KADWA District- Katihar

Suraj Kumar @ Suraj Kumar Choudhary S/o- Kanhaiya Choudhary Resident
of Village- Nandanpur PS- Kadwa, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balkrishna Mishra

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 3 28-04-2026 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. The learned counsel for the petitioner submits that
the defect as pointed out by the office stands removed by filing
a supplementary affidavit.
4. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases under the Excise Act, as
would manifest from the supplementary affidavit and allegation
is of recovery of 12.75 liters of liquor from roof of petitioner.
5. Learned counsel for the petitioner submits that
petitioner was not apprehended from the spot as such nothing



was recovered from his conscious possession and the house in question is a joint family property, as such, it cannot be alleged with certainty that it was petitioner who had kept the liquor in the house or the liquor kept in the house was within his 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 he came to be implicated at the instance of local person, but then it is submitted that it does not appear probable that local person would have known who had concealed the liquor in the house. It is also submitted that if local person was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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

7. 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. 20000/- (Rupees Twenty 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 Kadwa P.S. Case No. 352 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. 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 four 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 four cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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