

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13639 of 2026**

Arising Out of PS. Case No.-136 Year-2024 Thana- Excise P.S. District- Nawada

Rohit Kumar Son of Uday Ravidas Resident of Village - Darsan, Ward No.-  
11, Police Station - Govindpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Shyam Bihari Singh

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

2      12-03-2026                      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 Sections 30(a) and 56(2)(ii) of the  
Bihar Excise Act.

3.      Learned counsel for the petitioner submits that the  
petitioner is a person with clean antecedent and allegation is of  
recovery of 3 litres of liquor from a motorcycle.

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 is not the owner of the  
seized vehicle and he came to be implicated based on confessional  
statement of apprehended-accused in police custody which does not  
have any evidentiary value. 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.



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 within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) 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 Excise P.S. Case No. 136 of 2024, 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 even one case 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 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sumit/-

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