

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14290 of 2026

Arising Out of PS. Case No.-21 Year-2026 Thana- PHULWARIA District- Begusarai

1. Laxaman Kumar S/o- Rajendra Prasad Mandal R/V-Raja Babu Basti, Binod Bhawan PS-Phulwariya Dist-Begusarai
2. Subodh Kumar S/o- Jai Lal Sahni R/V-Raja Babu Basti, Binod Bhawan PS-Phulwariya Dist-Begusarai
3. Nischal Kumar S/o- Suresh Ram R/V-Raja Babu Basti, Binod Bhawan PS-Phulwariya Dist-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar
For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-03-2026 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 44.460 litres of liquor from Parityakt Bhawan and a motorcycle was seized. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they came to be implicated



based on confessional statement of Kamal in police custody which does not have any evidentiary value. It is further 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.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that the order impugned records that a motorcycle which was seized belongs to the petitioner no.2 but then in the anticipatory bail application, it is not pleaded that whether the motorcycle belongs to petitioner no.2 or not

5. At this stage, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no.2, namely, Subodh Kumar.

6. Permission is accorded.

7. After hearing the learned counsel for the parties, the petitioner no.1 and 3 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.500/- (Rupees five hundred) 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



Phulwariya P.S. Case No.21/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

8. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 and petitioner no.3 has antecedent of even one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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