

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14878 of 2026

Arising Out of PS. Case No.-811 Year-2025 Thana- MANER District- Patna

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1. Dineshwar Paswan @ Vineshwar Paswan @ Vindeshwar Paswan S/o Late Ram Prasad Paswana R/o Village - Bhawani Tola, P.O - Rampur, P.S - Maner, District - Patna and also resides ar Rampur Diyara, P.S - Maner, District - Patna
 2. Sonu Paswan S/o Dineshwar Paswan @ Vineshwar Paswan @ Vindeshwar Paswan R/o Village - Bhawani Tola, P.O - Rampur, P.S - Maner, District - Patna and also resides ar Rampur Diyara, P.S - Maner, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Prasad, Male, Currently posted as Sub Inspector at Maner Police Station, Maner, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-03-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. 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 40 litres of liquor from a motorcycle and house of the petitioners, as detailed in the FIR. It is next submitted that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and are not the owners of the motorcycle and the house in question is a joint family property, as such, it cannot be alleged with certainty that it were petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge and they came to be implicated based on confessional statement of Chandan Kumar in police custody which does not have any evidentiary value. 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.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur in connection with Maner P.S. Case No.811 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.



6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioners are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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