

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16041 of 2026

Arising Out of PS. Case No.-434 Year-2025 Thana- EXCISE SHERGHATI District- Gaya

Dharmendra Kumar S/o Late Jagdeo Paswan R/o Village - Babhandeo P.S.-
Barachatti District -Gaya ji

... .. Petitioner

Versus

1. The State of Bihar
2. The State of Bihar, Patna High Court

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Pushp Raj Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-03-2026 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 32(3) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 42.225 liters of liquor from house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner was not arrested 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 based on the confessional statement of his mother in police custody which does not have any evidentiary value. It is further submitted that no mother would implicate her own son until forced.

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 Sherghati P.S. Case No. 434 of 2025 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)

Gaurav Sinha/-

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