

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16447 of 2026

Arising Out of PS. Case No.-8 Year-2026 Thana- BHAGWANGANJ District- Patna

Rakesh Kumar S/O Bhuar Yadav @ Nagendra Yadav R/O Village- Khainia
Chak, P.S- Bhagwanganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-03-2026 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 offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of
recovery of 121.5 litres of liquor concealed under heap of straw
of three accused persons, out of which, 40 litres of liquor
alleged to have been recovered from heap of straw concealed in
Khalihan of petitioner and 1.5 litres of liquor from house of
petitioner. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and khalihan is a place outside the house and thus is



accessible to villagers at large as such it appears that someone inimical to the family concealed meager amount of liquor with an intent to implicate the entire family. It is next submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that 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 confessional statement of Gauri Devi, his sister-in-law with whom the family of the petitioner is on an inimical term.

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

5. 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.5000/- (Rupees five 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 Bhagwanganj P.S. Case No.8/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than one case, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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