

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18634 of 2026**

Arising Out of PS. Case No.-378 Year-2020 Thana- DALSINGHSARAI District- Samastipur

Shivandra Kumar Ray @ Shivam Mishra Son of Anjeer Kumar Ray @ Anjir  
Kumar Ray Resident of Village - Chakhabib, Chak Habib, P.S. - DalsingSarai,  
Dist. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Madhav Kumar, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

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

2      16-04-2026                      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 420, 467,  
468, 471, 120(b) of the Indian Penal Code read with Sections  
30(a) and 41(1) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that  
petitioner has antecedent of two cases under the Excise Act and  
allegation is of recovery of 2691 liters of liquor from a Trolley  
Truck.

4. Learned counsel for the petitioner submits that  
petitioner was not apprehended from the spot as such nothing  
was recovered from his conscious possession and is not the



owner of the seized vehicle and came to be implicated based on confessional statement of Parbindar 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. It is next submitted that petitioner in the FIR has been implicated by the name of Shivam R/o Chak Habib, Bibhutipur without disclosing his father's name when name of the petitioner is Shivandra Kumar Ray @ Shivam Mishra, but then police raided the house of the petitioner alleging that it was this petitioner who was implicated in the instant case by the aforesaid name Shivam R/o Chak Habib, as such, petitioner apprehends his arrest.

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 before the learned Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 10000/- (Rupees Ten 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 Dalsinghsarai P.S. Case No. 378 of 2020 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 more than two cases 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 has antecedent of two cases only in that event the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

Rishabh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

