

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18877 of 2026

Arising Out of PS. Case No.-18 Year-2026 Thana- SARE District- Nalanda

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1. Ranjay Singh @ Ranjay Kumar S/O Shri Rajendra Singh R/O Vill. and P.S.- Sare, Dist.- Nalanda
 2. Sunny Kumar S/O Shri Ranjay Singh R/O Vill. and P.S.- Sare, Dist.- Nalanda
 3. Rishu Kumar @ Ashutosh Kumar S/O Shri Ranjay Singh R/O Vill. and P.S.- Sare, Dist.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kanupriya Singh, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-03-2026 1. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 3, namely, Rishu Kumar @ Ashutosh Kumar who was arrested during pendency of the same.
2. Permission is accorded.
3. Accordingly, the anticipatory bail application with respect to petitioner no. 3 is dismissed as withdrawn.
4. Heard learned counsel for the petitioners no. 1 and 2 and Mr. Rabindra Kumar, learned A.P.P. for the State.
5. The petitioners no. 1 and 2 apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.
6. Learned counsel for the petitioners no. 1 and 2



submits that petitioners no. 1 and 2 are persons with clean antecedent and allegation is of recovery of 12 litres of liquor from a truck.

7. Learned counsel for the petitioners no. 1 and 2 submits that from perusal of the allegation as alleged in the FIR, it would manifest that total recovery shown in the FIR is 12 litres of liquor from a truck, but, from perusal of the seizure list, it manifests that apart from 12 litres of liquor seized from the truck, 868.88 litres of liquor is also shown in the seizure list but then the same is not the part of the allegation in the FIR. It is next submitted that petitioners no. 1 and 2 are not the owners of the seized truck and they came to be implicated based on the confessional statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law. 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.

8. Mr. Rabindra Kumar, learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners no. 1 and 2.

9. Considering the submissions made by the learned counsel for the petitioners no. 1 and 2, let the petitioners no. 1 and 2, 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 Sare P.S. Case No. 18 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

10. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners no. 1 and 2 and if it is found that petitioners no. 1 and 2 have antecedent of even one case, it would be presumed that petitioners no. 1 and 2 had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioners no. 1 and 2 are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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