

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20582 of 2026**

Arising Out of PS. Case No.-34 Year-2026 Thana- PRANPUR District- Katihar

1. Arun Hembram S/O Late Chunnu Hembram Resident of Village- Pathwarwar, P.s.- Pranpur, District- Katihar
2. Sukhlal Hembram @ Sakla @ Sukalal Hembram S/O Late Chunnu Hembram Resident of Village- Pathwarwar, P.s.- Pranpur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Allama Abdul Quadir Jamal Faridi

For the Opposite Party/s : Mr.Pranav Kumar

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

2      31-03-2026                      1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 17 litres of liquor from house of the petitioner no.1, 25 litres of liquor from the house of the petitioner no.2 along with 17 litres of liquor from house of Manju Hasda.

4. The learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the house in question is a joint family property and thus, it cannot be alleged with certainty that it were the petitioners, who had kept the liquor in the house or the liquor kept in the house was within their knowledge and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with and they came to be implicated based on secret information, which is the easiest way to implicate someone without holding a proper investigation, when admittedly petitioners are persons with clean antecedent.

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

6. 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, is 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 the learned Trial Court where the case is pending/ successor Court in connection with Prampur P. S. Case No.34 of 2026, subject to



the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. 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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