

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20986 of 2026

Arising Out of PS. Case No.-423 Year-2023 Thana- SARAIYA District- Muzaffarpur

Awadhesh Rai Son Of Lalan Rai R/O Vill - Rampur Fago, P.S- Saraiya, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-04-2026 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272, 273, 420, 120(B) and 34 of the I.P.C. and Sections
30(a), 32(2), 32(3), 36, 41(i) and 42(2) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of three cases out of which one
case is under the Excise Act and the allegation is of recovery of
4200 litres of liquor from a tanker.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and is not the owner of
the tanker and he came to be implicated based on confessional



statement of Ram Babu Rai in police custody, which does not have any evidentiary value. It is next 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.

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

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.II, Muzaffarpur in connection with Saraiya P. S. Case No.423 of 2023, subject to the conditions 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 three 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 three cases only, in that event the
provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

