

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20173 of 2026

Arising Out of PS. Case No.-131 Year-2026 Thana- AHYAPUR District- Muzaffarpur

1. Subodh Sah @ Subodh S/O Sakindra Sah Resident of village- Berai, P.S-
Hathauri, Dist.- Muzaffarpur.
2. Santosh Sah @ Santosh Kumar S/O Mohan Sah Resident of village- Berai,
P.S- Hathauri, Dist.- Muzaffarpur.
3. Sanjeev Kumar @ Sanjeet Kumar @ Sanjeev Pandit S/O Shankar Pandit
Resident of village- Berai, P.S- Hathauri, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar Shrivastav
For the Opposite Party/s : Mr. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

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

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and allegation is of
recovery of 240.63 liters of liquor from two Autos.

4. Learned counsel for the petitioners submits that
petitioners were not apprehended from the spot as such nothing
was recovered from their conscious possession and are not the



owner of the seized vehicle and they came to be implicated based on confessional statement of Raghvendra 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. for the State opposes the prayer for anticipatory bail of the petitioners.

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 Trial Court 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 Ahiyapur (Garha O.P.) P.S. Case No. 131 of 2026 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 petitioners and in the event if it is found that any of the petitioners have antecedent of even one case then it would be presumed that



petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to the petitioner who had concealed his antecedent, but after verification if 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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