

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19733 of 2026

Arising Out of PS. Case No.-11 Year-2026 Thana- ARER District- Madhubani

Shiv Kumar Sahni S/o Ramchandra Sahni R/o vill - Ektara, P.S.- Arer, Distt.-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Archna Aanand, Advocate
		Mr. Bhavesh Kumar Sah, Advocate
For the Opposite Party/s :		Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-03-2026 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 274, 275
and 3(5) of BNS and Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of two cases out of which one case is
under the Excise Act and allegation is of recovery of 531 litres
of liquor from a sack found near Kamla Nahar and a motorcycle
was seized.

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



recovery is from a place which does not belong to the petitioner and is accessible to public at large and he came to be implicated based on confessional statement of Ashok 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 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. 10,000/- (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 Arer P.S. Case No. 11 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 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 in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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