

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23847 of 2026

Arising Out of PS. Case No.-333 Year-2025 Thana- DAUDPUR District- Saran

1. Sachin Kumar Singh @ Sachin Kumar Son of Brijbhushan Singh R/o Village - Durgaur, P.S. - Manjhi, Dist. - Saran at Chapra, Bihar, Pin - 841402.
2. Ashish Kumar Singh @ Ashish Singh Son of Jitendra Singh R/o Village Durgaur, P.S. - Manjhi, Dist. - Saran at Chapra, Bihar, Pin - 841402.
3. Sheru Sah @ Sheru Kumar Son of Mahesh Sah R/o Village Durgaur, P.S. - Manjhi, Dist. - Saran at Chapra, Bihar, Pin - 841402.
4. Vikash Sharma @ Vikash Kumar @ Vikash Kumar Sharma Son of Sanjay Sharma R/o Village Durgaur, P.S. - Manjhi, Dist. - Saran at Chapra, Bihar, Pin - 841402.
5. Sandip Chaudhari @ Sandeep Kumar Chaudhary @ Sandip Kumar Son of Ramayan Chaudhari R/o Village Durgaur, P.S. - Manjhi, Dist. - Saran at Chapra, Bihar, Pin - 841402.
6. Manjay Sah Son of Bachcha Sah R/o Village Durgaur, P.S. - Manjhi, Dist. - Saran at Chapra, Bihar, Pin - 841402.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravikant, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-04-2026 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioners submits that



petitioner no. 1 has antecedent of two cases under the Excise Act, petitioner no. 4 has antecedent of one case under the Excise Act and petitioners no. 2, 3, 5 and 6 are persons with clean antecedent and allegation is of recovery of 158.35 litres of liquor from four motorcycles.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that petitioner no. 4 came to be implicated based on the fact that he is owner of one of the seized vehicles. It is next submitted that rest of the petitioners have no concern with any of the alleged seized motorcycles. It is next submitted with respect to petitioner no. 4 that no prudent person would use his own vehicle for committing an occurrence and, thus, would create evidence against himself and, hence, would get implicated. It is also submitted that petitioner no. 4 was completely unaware that his friend would misuse the vehicle in the manner as alleged who also fled from the spot and the name of the other petitioners transpired in the confessional statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law. It is 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 appearing on behalf of the petitioners, let the petitioners, 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.10,000/- (Rupees Ten Thousand) 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 Daudpur P.S. Case No. 333 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than two cases, petitioner no. 4 has antecedent of more than one case and petitioners no. 2, 3, 5 and 6 have antecedent of even one case, it would be presumed that petitioners 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 petitioner no. 1 has antecedent of only two cases, petitioner no. 4 has antecedent of only one case and petitioners no. 2, 3, 5 and 6 are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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