

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20677 of 2026

Arising Out of PS. Case No.-49 Year-2026 Thana- BARGAINIA District- Sitamarhi

Shyambabu Yadav S/O Chulhai Ray @ Chullahi Ray R/o Vill.- Masaha Alam,
Ward No. 03, P.S.- Bairstania, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-03-2026 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 30(a)(c) of the Bihar Excise Act read with Sections 112(2) and 3(5) of the BNS, 2023.

3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases under the Excise Act and allegation is of recovery of 705.9 liters of liquor from a house and an orchard of Ranjit Ram and 207 liters of liquor from a motorcycle parked in the premises of the house of Sanjay and also from a place behind the house.

4. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing



was recovered from his conscious possession and even alleged recovery is from a place which does not belong to the petitioner and petitioner has no concern or relation with Ranjit or Sanjay and the petitioner came to be implicated based on confessional statement of Ranjit 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. 15000/- (Rupees Fifteen 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 Bairgania P.S. Case No. 49 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 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)

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