

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21347 of 2026

Arising Out of PS. Case No.-21 Year-2026 Thana- BHARGAMA District- Araria

Mithilesh Sardar @ Mithlesh Sardar son of Pawan Sardar Resident of Village-
Gamhariya, Ward no. 13, Ps- Bhargama, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-04-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case under the Excise Act
and allegation is of recovery of 15 litres of liquor from
courtyard of the petitioner.
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 even the house in
question is a joint family property and thus, it cannot be alleged
with certainty that it was the petitioner, who had kept the liquor



in the courtyard or the liquor kept in the courtyard was within his knowledge and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with and he came to be implicated at the instance of local person/ chaukidar, but the name of the person, who disclosed the name of the petitioner is not disclosed in the F.I.R., which casts an aspersion on the case of the prosecution and the Chaukidar implicated the petitioner for the reason that they are on an inimical term.

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 before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five 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 Bhargama P. S. Case No.21 of 2026, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of one case only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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