

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21937 of 2026**

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

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Guddu Yadav @ Guddu Rai S/O Mahendra Yadav @ Mahendra Rai R/O  
Village- Masaha Alam, Ward No. 03, P.S.- Bairstania, Distt.- Sitamarhi-  
843313.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Nityanand

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      24-04-2026              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 112(2) and  
3(5) of BNS and Section 30(a)(c) of the Bihar Excise Act.

3.    Learned counsel for the petitioner submits that the  
petitioner has antecedent of fourteen cases out of which thirteen  
cases are under the Excise Act and allegation is of recovery of  
705.9 litres of liquor from an orchard and two motorcycles were  
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 is not the owner of



the seized vehicle and even the alleged recovery is from a place which does not belong to the petitioner and he 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. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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 within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 70,000/- (Rupees Fourteen 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 fourteen 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 fourteen cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sumit/-

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