

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22273 of 2026

Arising Out of PS. Case No.-153 Year-2025 Thana- PAKRIDAYAL District- East Champaran

Krishna Paswan S/o Shubhnarayan Pasawan R/o Village - Sishani, P.S -
Pakridayal, District - East Champaran, Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Gupta

For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Learned counsel for the petitioner, at the outset, seeks permission to make rectification with regard to P.S. Case at paragraph-4 of the bail petition. It is submitted that inadvertently Pakridayal P.S. Case No. 507 of 2025 has been recorded when the P.S. Case No. is Pakridayal P.S. Case No. 153 of 2025.

3. Permission is accorded.

4. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

5. Learned counsel for the petitioner submits that petitioner has antecedent of one case under the Excise Act and



allegation is of recovery of 123.75 liters of liquor from a car.

6. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he is not owner of the seized vehicle and he came to be implicated based on confessional statement of Nanhat in police custody which does not have any evidentiary value, it is further 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.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. 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. 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 Pakridayal P.S. Case No. 153 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.



9. 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 one case 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 one case only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Gaurav Sinha/-

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