

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24585 of 2026

Arising Out of PS. Case No.-128 Year-2026 Thana- PATNA CITY CHOWK District- Patna

1. Bharat Rai @ Bharat Prasad Yadav Son of Ram Chandra Ray Resident of Village -Lal Imli Motakkar Kuan, Patna City, Sampatchak, Patna
2. Guriya Devi Wife of Bharat Rai @ Bharat Prasad yadav Resident of Village -Lal Imli Motakkar Kuan, Patna City, Sampatchak, Patna
3. Sethi @ Ranjit Kumar @ Ranjit Kumar yadav son of Bharat Rai @ Bharat Prasad Resident of Village -Lal Imli Motakkar Kuan, Patna City, Sampatchak, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Robin Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-04-2026 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 Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no.2 is a woman and allegation is of recovery of 720 ml of liquor from house of the petitioner. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and the house in question is a



joint family property as such it cannot be alleged with certainty that it was petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and they came to be implicated based on secret information which is the easiest way to implicate someone without holding a proper investigation when petitioners admittedly are persons with clean antecedent.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, 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.500/- (Rupees five hundred) 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 Chowk P.S. Case No.128/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners



and in the event if it is found that petitioners have antecedent of even one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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