

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28078 of 2026

Arising Out of PS. Case No.-340 Year-2025 Thana- DURAULI District- Siwan

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1. Guddu Kumar Son of Bira Rai Resident of village - Kewatliya Jamira, P.S.- Dariyapur, Distt.- Saran
 2. Sona Rai Son of Late Banarsi Rai @ Anarsi Rai Resident of village - Kewatliya Jamira, P.S.- Dariyapur, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam

For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-04-2026 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 offences punishable under Sections 30(a) and 41(1) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 18 liters of liquor from a place behind the house of Rakesh and 325.080 liters of liquor from an Auto.
4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and even alleged



recovery is from a place which does not belong to the petitioners and are not the owner of the seized Auto and they came to be implicated based on confessional statement of Pawan and Vijay 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 petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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. 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 Durauli P.S. Case No. 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 petitioners and in the event if it is found that any of the petitioners have antecedent of even one case then it would be presumed that petitioners, for the



purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to the petitioner who had concealed his antecedent, but after verification if it is found that petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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