

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24869 of 2026

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

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1. Awadhesh Mandal S/o Late Hari Mandal R/o vill - Rajpur, P.S.- Suppi, Distt.- Sitamarhi
 2. Lalbabu Mandal S/o Late Hari Mandal R/o vill - Rajpur, P.S.- Suppi, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 21-04-2026 1. Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad, 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 the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 4.35 litres of liquor from two motorcycles.
4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that petitioner no. 2 came to be implicated based on the fact that a mobile was found which he claims to have sold it



to Sujit earlier and petitioner no. 1 is not the owner of any of the seized vehicles. It is next submitted that name of the petitioners transpired based on the confessional statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law. It is also 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. Mr. Chandra Bhushan Prasad, 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 appearing on behalf of the petitioners, let 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 Suppi P.S. Case No. 49 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioners have antecedent of even one



case, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification 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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