

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27244 of 2026

Arising Out of PS. Case No.-3 Year-2026 Thana- SINDHUGAR District- Gaya

1. Upendra Yadav S/o- GAnga Yadav R/o Village- Kadchua PS- Sindugarh Dist- Gaya
2. Ramesh Yadav @ Ramesh Kumar Yadav S/o- Chandra Dev Yadav R/o Village- Kadchua PS- Sindugarh Dist- Gaya
3. Niranjana Yadav S/o- Mohan Yadav R/o Village- Kadchua PS- Sindugarh Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyadarshi Pankaj Raj Anand, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-04-2026 1. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 2, namely, Ramesh Yadav @ Ramesh Kumar Yadav who was arrested during pendency of the same.
2. Permission is accorded.
3. Accordingly, the anticipatory bail application with respect to petitioner no. 2 is dismissed as withdrawn.
4. Heard learned counsel for the petitioners no. 1 and 3 and learned A.P.P. for the State.
5. The petitioners no. 1 and 3 apprehend their arrest in a case registered for the offences punishable under Sections



30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

6. Learned counsel for the petitioners no. 1 and 3 submits that petitioners no. 1 and 3 have antecedent of two cases under the Excise Act and allegation is of recovery of 215 litres of liquor from three different motorcycles and one more motorcycle was seized.

7. Learned counsel for the petitioners no. 1 and 3 submits that petitioners no. 1 and 3 were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that petitioners no. 1 and 3 are not the owner of the seized vehicles and came to be implicated based on the confessional statement of Birendra Yadav in police custody which does not have any evidentiary value in the eye of law. 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.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners no. 1 and 3.

9. Considering the submissions made by the learned counsel appearing on behalf of the petitioners no. 1 and 3, let the petitioners no. 1 and 3, 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.10,000/- (Rupees Ten Thousand) 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 Sindhugarh P.S. Case No. 03 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.

10. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners no. 1 and 3 and if it is found that petitioners no. 1 and 3 have antecedent of more than two cases, it would be presumed that petitioners no. 1 and 3 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 no. 1 and 3 have antecedent of only two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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