

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28418 of 2026

Arising Out of PS. Case No.-34 Year-2026 Thana- BADHAILA District- Rohtas

1. Ajay Paswan @Ajay Kumar Paswan Son of Lalan Paswan Resident Of Mohalla -Shrinagar Tola, Ps- Baghaila, Dist- Rohtas
2. Shambhu Paswan @ Shambhu Kumar Son of Shri Bhagwan Paswan Resident Of Mohalla -Shrinagar Tola, Ps- Baghaila, Dist- Rohtas
3. Anil Tiwari Son of Late Dharmraj Tiwary Resident Of Mohalla - Suara, Ps- Baghaila, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra
For the Opposite Party/s : Ms.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2026 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 Section 30(a) of the Bihar Excise Act.

 3. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 have antecedent of one case and petitioner no. 3 has antecedent of two cases under the Excise Act and allegation is of recovery of 266.4 litres of liquor from a motorcycle.

 4. Learned counsel for the petitioners submits that the



petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not the owner of the seized motorcycle and they came to be implicated based on confessional statement of Ranjay 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 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 Baghaila P.S. Case No. 34 of 2026, subject to the conditions as laid down under Section 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 petitioner nos. 1 and 2 have antecedent of



more than one case and petitioner no. 3 has antecedent of more than two cases, 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 that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner nos. 1 and 2 have antecedent of one case and petitioner no. 3 has antecedent of two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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