

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28755 of 2026

Arising Out of PS. Case No.-76 Year-2026 Thana- HISUWA District- Nawada

-
1. Mukesh Kumar @ Mukesh Kumar Yadav son of Kailash Yadav Resident of Village - Phulwariya, P.S - Hisua, Dist - Nawada
 2. Manish Kumar @ Manish Yadav Son of Kailu Yadav Resident of Village - Sakarganj, P.S - Kashichak, Dist - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Nityanand

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 no. 1 has antecedent of three cases under the Excise Act and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 25 liters of liquor from a motorcycle.

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 petitioner



no. 2 came to be implicated based on the fact that he is owner of the seized vehicle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated, it is further submitted that petitioner no. 2 was completely unaware that Sunny and Deepu would misuse the vehicle in the manner as alleged. It is also submitted that petitioner no. 1 came to be implicated based on confessional statement of apprehended accused 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. 15000/- (Rupees Fifteen 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 Hisua P.S. Case No. 76 of 2026 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 petitioner no. 1 has antecedent of more than three cases and petitioner no. 2 has 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 criminal antecedent, but after verification if it is found that petitioner no. 1 has antecedent of three cases only and petitioner no. 2 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

