

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28224 of 2026**

Arising Out of PS. Case No.-173 Year-2025 Thana- EXCISE SHERGHATI District- Gaya

Sandeep Sao @ Sandeep Kumar S/o Devnandan Sao R/o Village- Nawadih  
Panari, PS- Hanterganj, Dist- Chatra, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      28-04-2026              1.    Heard learned counsel for the petitioner and  
learned A.P.P. for the State, Sri Rabindra Kumar.

2.    The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 30(a) and  
32(3) of the Bihar Excise Act.

3.    Learned counsel for the petitioner submits that the  
petitioner has antecedent of one case under the Excise Act and  
allegation is of recovery of 24 litres of liquor from an Auto.

4.    Learned counsel for the petitioner submits that the  
petitioner was not arrested from the spot as such nothing was  
recovered from his conscious possession and is not the owner of  
the seized vehicle and he came to be implicated based on  
confessional statement of Sumantiya Devi 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. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 5,000/- (Rupees Five Thousand) 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 Excise Sherghati P.S. Case No. 173 of 2025 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 petitioner and in the event if it is found that petitioner has antecedent of more than one case then it would be presumed that petitioner, for the purposes of



seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

Sumit/-

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