

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28263 of 2026

Arising Out of PS. Case No.-77 Year-2026 Thana- SONBERSA District- Sitamarhi

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1. Rishikesh Kumar S/o Suresh Singh Resident of Village - Bariyarpur P.S. and District -Sitamarhi.
 2. Amresh Kumar @ Bhola S/o Ram Dular Ray Resident of Village - Bariyarpur P.S. and District -Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 111 of the B.N.S. and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of six cases out of which four cases are under the Excise Act and petitioner no.2 has antecedent of five cases out of which two cases are under the Excise Act and the allegation is of recovery of 270 litres of liquor from a Maruti suzuki car.

4. The learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owners of the seized vehicle and he came to be implicated based on confessional statement of Shiv Shankar in police custody, which does not have any evidentiary value. It is also submitted that after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.30,000/- (Rupees Thirty 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 Sonbarsa P. S. Case No.77 of 2026, subject to



the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners 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 six and petitioner no.2 has antecedent of more than five cases, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner no.1 has antecedent of six cases only and petitioner no.2 has antecedent of five cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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