

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28997 of 2026

Arising Out of PS. Case No.-28 Year-2026 Thana- CHERKI District- Gaya

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1. Deepak Kumar S/o- Satan Yadav Village- Palhad Khurd PS-Sherghati Dist-Gaya
 2. Prakash Kumar S/o- Laltu Yadav Village- Palhad Khurd PS-Sherghati Dist-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-04-2026 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of three cases, out of which, one case is under the Excise Act and petitioner no.2 is a person with clean antecedent and allegation is of recovery of 11 litres of liquor from a plastic sack allegedly thrown from a motorcycle. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious



possession and even alleged recovery is from a place which does not belong to the petitioners and nor the motorcycle was seized and they came to be implicated based on confessional statement of Yugesh in police custody which does not have any evidentiary value. It is also 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.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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.15,000/- (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 Cherki P.S. Case No.28/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents 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, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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