

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31767 of 2026

Arising Out of PS. Case No.-58 Year-2026 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Adarsh Kumar @ Adarsh Kumar Singh Son of Santosh Singh Resident of Village- Dhanechha, P.S.- durgawati, District- Kaimur (Bhabhua)
2. Vikash Kumar Singh Son of Santosh Singh Resident of Village- Dhanechha, P.S.- durgawati, District- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh

For the Opposite Party/s : Ms.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-05-2026 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 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 54 litres of liquor from a motorcycle.

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 petitioner no.2 came to be implicated based on the fact that he is owner of the



seized motorcycle. It is next submitted that no prudent person would use their own vehicle for committing a crime and thus, would create evidence against themselves and hence, would get implicated. It is further submitted that petitioner no.2 was completely unaware that his friend Aayush would misuse the vehicle in the manner as alleged, who also fled from the spot. It is also submitted that name of the petitioner no.1 transpired in the confessional statement of Aayush in police custody, which does not have any evidentiary value. It is next submitted that after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with.

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.500/- (Rupees Five Hundred) 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 Durgawati P. S. Case No.58 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 petitioners have antecedent of even one case, 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 petitioners are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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