

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31885 of 2026

Arising Out of PS. Case No.-140 Year-2025 Thana- Bhopatpur District- East Champaran

1. Lakhindra Yadav S/o Madan Rai Resident of village - Yamunapar Kothi, P.S - Kalyanpur, District - East Champaran
2. Sipahi Yadav S/o Late Mohar Rai @ Mohar Ray R/o Village - Bajhiya, P.S - Bhopatpur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-05-2026 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 Sections 30(a), 32, 41(1) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of three cases and allegation is of recovery of 230 litres of liquor from three different motorcycles. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not owners of any of the seized vehicle and they came to



be implicated based on confessional statement of Rajesh 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 Bhopatpur P.S. Case No.140/2025, 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 even one case and petitioner no.2 has antecedent of more than three cases, 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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