

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40935 of 2026

Arising Out of PS. Case No.-226 Year-2026 Thana- SAHARSA SADAR District- Saharsa

Hareram Das @ Hareram Kumar S/o Late Umesh Das Resident of Village -
Nariyar, Ward No.- 10, P.s.- Sadar (Saharsa), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-06-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Excise Act.
3. The learned counsel for the petitioner submits that
the the defect with regard to deficit welfare stamp of Rs. 50, as
pointed out by the office, shall be deposited by tomorrow. It is
further submitted that the other defect with regard to filing of
typed copy be ignored.
4. The defect, as pointed out by the office with regard
to filing of typed copy, is hereby ignored and time till tomorrow
is given to the petitioner to deposit the welfare stamp of Rs. 50.
5. Learned counsel for the petitioner submits that



petitioner has antecedent of four cases under the Excise Act and allegation is of recovery of 116 liters of liquor from house of the petitioner.

6. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and the house in question is a joint family property, as such, it cannot be alleged with certainty that it was petitioner who had kept the liquor in the house or the liquor kept in the house was within his knowledge and 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 next submitted that it does not appear probable that local person would have known who had concealed the liquor in the house and if local person was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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

8. 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. 20000/- (Rupees Twenty 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 Saharsa Sadar P.S. Case No. 226 of 2026 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. 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 four cases 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 four cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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