

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38344 of 2026

Arising Out of PS. Case No.-118 Year-2026 Thana- RAGHOPUR District- Vaishali

1. Arun Rai @ Aarun Ray S/o- Katari Rai @ Kamta Prasad Rai R/v- Jagdishpur, Ward No. 10, Idkarai Barari, P.S- Raghapur, District- Vaishali
2. Suraj Kumar S/o- Arun Rai @ Aarun Ray R/v- Jagdishpur, Ward No. 10, Idkarai Barari, P.S- Raghapur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra

For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-06-2026 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 and Sections 274, 275 of the BNS, 2023.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 20 litres of liquor along with 5.06 litres of Beer from house of the petitioners. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their 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 and they came to be implicated at the instance of chowkidar with whom they are on an inimical term. It is also submitted that if chowkidar 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.

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.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 Raghapur P.S. Case No.118/2026, 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 petitioners have 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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