

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38955 of 2026

Arising Out of PS. Case No.-241 Year-2026 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Vikash Kumar S/o Ramashray Singh @ Ramashray Yadav @ Nanhak Yadav
R/o Village- Ramdiha, P.S- Aurangabad, Town, Dist- Aurangabad
 2. Prakash Kumar S/o Ramashray Singh @ Ramashray Yadav @ Nanhak
Yadav R/o Village- Ramdiha, P.S- Aurangabad, Town, Dist- Aurangabad

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

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 the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of one case under the Excise Act
and petitioner no. 2 has antecedent of one case and allegation is
of recovery of 244.15 litres of liquor from the house of the
petitioners as detailed in the FIR.

4. Learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their conscious possession. It is further



submitted that the house in question is a joint family property, as such, it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house was within their 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 petitioners came to be implicated at the instance of the local person but then it is submitted that it does not appear probable that local person would have known who had concealed the liquor in the house or else they would have informed the police prior to the institution of the instant FIR.

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

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, let 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.5,000/- (Rupees Five 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 Aurangabad (Town) P.S. Case No. 241 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioners have antecedent of more than one case, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioners have antecedent of only one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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