

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51703 of 2026

Arising Out of PS. Case No.-434 Year-2026 Thana- MAHUA District- Vaishali

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1. Randheer Kumar Singh @ Randheer Singh S/o Ram Lakshan Singh @ Lakshan Singh R/o Village - Meghpur Singhara Buzurg, P.S. - Mahua, Dist. - Vaishali.
 2. Deepu Sah @ Deepu Kumar S/o Kameshwar Prasad Sah @ Kameshwar Prasad Gupta @ Kameshwar Prasad R/o Village - Govindpur Singhara @ Govindpur, P.S. - Mahua, Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 29-07-2026 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 Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases under the Excise Act and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 56.625 litres of liquor from the house of petitioner no. 1.
4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was



recovered from their conscious possession and petitioner no. 2 is not related with petitioner no. 1 and the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioner no. 1 who had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is next 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 and they came to be implicated based on confessional statement of Rampreet in police custody which does not have any evidentiary value.

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 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. 10,000/- (Rupees Ten 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 Mahua P.S. Case No. 434 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.



7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more two cases and petitioner no. 2 has antecedent of even one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner no. 1 has antecedent of two cases and petitioner no. 2 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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