

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66746 of 2025

Arising Out of PS. Case No.-330 Year-2025 Thana- PAROO District- Muzaffarpur

1. Gautam Kumar @ Gautam @ Raja S/o Anil Kumar Singh @ Anil Singh R/o Village - Fuladh, P.O - Fuladh, P.S - Paru, District - Muzaffarpur
2. Anil Kumar Singh @ Anil Singh S/o Late Chandeshwar Prasad Singh R/o Village - Fuladh, P.O - Fuladh, P.S - Paru, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-01-2026 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 Prohibition and Excise Act, 2022 (Amended).

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 108.750 liters of liquor from house of petitioner no. 1 and 1.8 liters of liquor from a bush.

4. Learned counsel for the petitioners submits that petitioners were not apprehended 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 no. 1 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, but then it is submitted that if Chowkidar was aware of the involvement of the petitioners 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. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of *Chowkidar*, local person, confessional statement or secret information without holding a proper investigation.

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 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. 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 Paroo P.S. Case No. 330 of 2025 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 than two cases and petitioner no. 1 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, but after verification if it is found that petitioner no. 1 has antecedent of two cases only 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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