

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76258 of 2025**

Arising Out of PS. Case No.-346 Year-2025 Thana- MOTIHARI MUFASIL District- East  
Champaran

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Rakesh Das S/o Sri Ratan Das R/o Village- Sirsa Bangali Colony, P.S.-  
Motihari Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Natraj Verma

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh- A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      19-01-2026                      1. Heard learned counsel for the petitioner and  
learned APP for the State.
2. The learned counsel for the petitioner submits that  
the defects as pointed out by the office stands removed.
3. The petitioner seeks bail in anticipation of his  
arrest in a case registered for the offences punishable under  
Section 30(a) of the Excise Act.
4. The learned counsel for the petitioner submits that  
the petitioner is a person with clean antecedent and allegation is  
of recovery of 557.730 litres of liquor from the house of the  
petitioner and a car.
5. The learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession and is not the owner of the seized vehicle and even the house in question is a joint family property and thus, it cannot be alleged with certainty that it was the 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, 2018, the concept of deemed possession and presumed offender has been done away with and he came to be implicated based on secret information, which is the easiest way to implicate someone without holding a proper investigation.

6. Learned A.P.P. opposes the anticipatory bail application.

7. 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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) 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 Motihari Muffasil P. S. Case No.346 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



8. The application stands allowed.

9. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner 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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