**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.75142 of 2026**

**CNR No. BRHC011044552026**

Arising Out of PS. Case No.-78 Year-2025 Thana- EXCISE UDAKISHUNGANJ District-Madhepura

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Laxman Sah @ Laxman Bhagat @ Laxman Kumar Bhagat Son of Kishun Sah @ Kishun Bhagat Resident of Village- Marwari Mohalla, Ward No.02, P.S.- Puraini and District- Madhepura

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr.Pooja Prasad
For the Opposite Party/s : Mr.Vinod Shanker Modi

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

ORAL ORDER

2 30-10-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 25.620 litres of liquor from a place behind the house of Gaurav.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even the alleged

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recovery is from a place which does not belong to the petitioner and he has no concern or relation with Gaurav and he came to be implicated based on confessional statement of Gaurav in police custody which does not have any evidentiary value. 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.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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) 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 Udakishunganj Excise P.S. Case No. 78 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 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

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seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if 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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