**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.75562 of 2026**

**CNR No. BRHC011046082026**

Arising Out of PS. Case No.-204 Year-2026 Thana- SIRDALA District- Nawada

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Sitaram Rajvanshi @ Lalaji S/o Late Brihaspati Rajbanshi R/o Village - Hamjabhart, P.S - Sirdalla, District - Nawada

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Ms.Shila Kumari
For the Opposite Party/s : Mr.Mohammed Arif

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

ORAL ORDER

2 28-10-2026 **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 Sections 30(a) and 37 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 42 litres of liquor from the house of the petitioner.

**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 the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioner who had kept the liquor in

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the house or the liquor kept in the house was within knowledge of the petitioner. 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 he came to be implicated based on confessional statement of Ashok in police custody which does not have any evidentiary value. It is also submitted that Ashok is not related to the petitioner.

**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 Sirdalla P.S. Case No. 204 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 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)**

Sumit/-

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