

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71853 of 2025

Arising Out of PS. Case No.-94 Year-2025 Thana- BISHANPUR District- Darbhanga

Shrawan Yadav S/O Ram Prasad Yadav R/O Vill.- Baghla Mohammadpur,
P.S.- Bishanpur, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 9.160 litres of liquor from from house of the
petitioner. It is next submitted that 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 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. It is also submitted that though the liquor is alleged to have been recovered from house but then in the FIR it has been recorded as a hut and the petitioner came to be implicated at the instance of Chowkidar with whom petitioner is on an inimical term. It is also submitted that if Chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which also casts an aspersion on the case of the prosecution.

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

5. 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-bond in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge-I (Excise Act), Darbhanga in connection with Bishunpur P.S. Case No.94 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.



6. The application stands allowed.

7. 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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