IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77053 of 2026

CNR No. BRHC011056122026

Arising Out of PS. Case No.-56 Year-2026 Thana- NAURANGIA District- West Champaran

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Vijay Agrawal @ Miththu Agrawal Son of Kishun Lal Agrawal Resident Of Village- Khadda, P.S.- Khadda, District- Kushinagar, U.P

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Gautam Kumar Yadav
For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 05-11-2026 1. Heard learned counsel for the petitioner and learned APP for the State.

2. 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.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of fifteen cases out of which five cases are under the Excise Act and allegation is of recovery of 106.860 litres of liquor from two motorcycles.

4. 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 any of the seized motorcycle and he came to be implicated

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based on confessional statement of Lal Babu and Nitish Kumar in police custody which does not have any evidentiary value. It is also submitted that after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that of late in the State of Bihar police for ulterior reason implicates accused having criminal antecedent in cases relating to Excise.

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

6. 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.75,000/- (Rupees Seventy Five Thousand) 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 Naurangiya P. S. Case No.56 of 2026, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify

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the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than fifteen cases, 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 has antecedent of fifteen cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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