IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73813 of 2026

CNR No. BRHC011056572026

Arising Out of PS. Case No.-49 Year-2026 Thana- BARGAINIA District- Sitamarhi

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Sanjay Ram @ Sanjay Kumar Son of Gagan Dev Ram Resident of Village -Musachak Balua Tola @ Musachak Balua Tola 01 P.S.-Bairgania @ Bairganiya District -Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Santosh Kumar
For the Opposite Party/s : Mr. Akbar Ali

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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 APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 112(2) and 3(5) of the B.N.S. and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases under the Excise Act and allegation is of recovery of 705.9 litres of liquor from house and orchard of Ranjit Ram and a motorcycle was also seized, 207 litres of liquor from a motorcycle parked in the premises of the house of Sanjay and also from a place behind the house.

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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 the seized vehicle and the alleged recovery is from a place which does not belong to the petitioner, but then is adjacent to his house and it has been falsely alleged that the motorcycle was parked within the premise. It is next submitted that petitioner has no concern or relation with Ranjit, but then based on his confessional statement in police custody, petitioner came to be implicated, when confessional statement 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.

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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial

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Court where the case is pending/successor Court in connection with Bairgania P. S. Case No.49 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 the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than two 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 two cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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