IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74429 of 2026

CNR No. BRHC011066872026

Arising Out of PS. Case No.-218 Year-2026 Thana- SIRDALA District- Nawada

==========

1. Dipu chaudhary @ Dipu Kumar S/o Munni Chaudhary R/o Village - Hemja Devpal, PS. - Sirdalla, Dist. - Nawada.
2. Dara Chaudhary @ Jitendra Chaudhary S/o Prabesh Chaudhary R/o Village - Hemja Devpal, PS. - Sirdalla, Dist. - Nawada.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Ms. Sarita Kumari, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

==========

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 27-10-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) and 41 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases under the Excise Act and petitioner no. 2 has antecedent of one case under the Excise Act and allegation is of recovery of 1120 liters of liquor from a Bolero vehicle.

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing

WEB COPY

was recovered from their conscious possession and they are not the owner of the seized vehicle and they came to be implicated based on confessional statement of Manish 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 petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 10000/- (Rupees Ten Thousand) each 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 Sirdala P.S. Case No. 218 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 petitioners and in the event if it is found that petitioner no. 1 has antecedent of

WEB COPY

more than two cases and petitioner no. 2 has antecedent of more than one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to the petitioner who had concealed his antecedent, but after verification if it is found that petitioner no. 1 has antecedent of two cases only and petitioner no. 2 has antecedent of one case only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Rishabh/-

U		T	

WEB COPY