IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74927 of 2026

CNR No. BRHC011068132026

Arising Out of PS. Case No.-374 Year-2026 Thana- FATEHPUR District- Gaya

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1. Sanoj Kumar Son of Gurudayal Yadav Resident of Village- Niraur, PS- Fatehpur, Dist- Gaya Ji
2. Pankaj Kumar Son of Devki Yadav @ Hemraj Yadav Resident of Village- Gamhri, PS - Fatehpur, Dist- Gaya Ji

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

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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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 850 litres of liquor from five different motorcycles.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that petitioners are not the owner of any of the seized vehicles and came to be implicated based on the confessional

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statement of Rambali Yadav in police custody which does not have any evidentiary value in the eye of law. 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 appearing on behalf of the petitioners, let the petitioners, above-named, in the event of their 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) 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 Fatehpur P.S. Case No. 374 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioners have antecedent of even one case, it would be presumed that petitioners had concealed their

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antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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