IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74477 of 2026

CNR No. BRHC011073222026

Arising Out of PS. Case No.-140 Year-2026 Thana- KANHAULI District- Sitamarhi

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1. Rajeev Mandal S/o Suresh Mandal Resident of Village- Dularpur, PS- Kanahuli, District- Sitamarhi
2. Gobardhan Mandal S/o Ram Iqbal Mandal Resident of Village- Dularpur, PS- Kanahuli, District- Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Anil Prasad Singh

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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 Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of three cases under the Excise Act and petitioner no.2 has antecedent of one case under the Excise Act and allegation is of recovery of 441 litres of liquor from a sack near bank of lakhandai river.

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

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recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to villagers at large and they came to be implicated based on confessional statement of Ramashish in police custody which does not have any evidentiary value. It is also 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 within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen 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 Kanhauli P.S. Case No.140 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners

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and in the event if it is found that petitioner no.1 has antecedent of more than three cases and petitioner no.2 has antecedent of more than one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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