IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76566 of 2026

CNR No. BRHC011077312026

Arising Out of PS. Case No.-8 Year-2026 Thana- KAJIPUR District- Vaishali

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1. Kundan Kumar Paswan @ Kundan Paswan Son of Hira Paswan Resident of Vill.- Thathan Buzurg, P.S.- Kajipur, District - Vaishali.
2. Usha Devi Wife of Late Gehnu Paswan Resident of Village Thathan Buzurg, P.S.- Kajipur, District - Vaishali.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Khushboo Kumari, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 05-11-2026 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 Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 9 litres of liquor from the house of the petitioner no.2.

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 the house in question is a joint family property, as

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such, it cannot be alleged with certainty that it was the petitioner no. 2 who had kept the liquor in the house or the liquor kept in the house was within his knowledge and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that petitioners came to be implicated at the instance of the local person and the Chawkidar but then it is submitted that if the local person and the Chawkidar were aware of the involvement of the petitioners in the occurrence then why they did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

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 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 Kajipur P.S. Case No. 08 of 2026, subject to the conditions as

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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 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)

Kundan/-

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