

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85453 of 2025

Arising Out of PS. Case No.-184 Year-2025 Thana- BARHARA KOTHI District- Purnia

1. Rohit Kumar S/O Sudhir Kumar R/O Maldiha, P.S- Barhara Kothi, Purnea Bihar.
2. Anjan Singh @ Nepal Singh S/O Late Dharendra Prasad Singh R/O Maldiha, P.S- Barhara Kothi, Purnea Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 28-04-2026 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The learned counsel for the petitioners submits that the defects as pointed out by the office shall be removed during course of the day.
3. Permission is accorded.
4. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) of the Excise Act.
5. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of four cases and petitioner no.2 is a person with clean antecedent and the allegation is of



recovery of 30.240 litres of liquor from house of Yogendra Rishidev.

6. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even alleged recovery is from a house, which does not belong to the petitioner and he came to be implicated based on confessional statement of Yogendra in police custody, which 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.

7. Learned A.P.P. opposes the anticipatory bail application.

8. 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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.20,000/- (Rupees Twenty 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 Excise Act Barhara Kothi P. S. Case No.184



of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than four cases and petitioner no.2 has antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 no.1 has antecedent of four cases only and petitioner no.2 is a persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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