IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74810 of 2026

CNR No. BRHC011090692026

Arising Out of PS. Case No.-465 Year-2026 Thana- NAUTAN District- West Champaran

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Tabarakh Mian @ Tabarakh Mari Son of Sadik Mian Resident of Village- Mangalpur Budhwaliya Ward No.16, P.S.- Nautan, District- West Champaran

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sarvesh Kashyap, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 04-11-2026 1. Heard learned counsel for the petitioner, Ms. Akansha Rai and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case under the Excise Act and allegation is of recovery of 15.840 liters of liquor from house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and the house in question is a joint family property, as such, it cannot be alleged to a certainty that it was petitioner who had kept the liquor in the house. It is also submitted that after amendment in the

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Excise Act in the year 2018, the concept of deem possession and presumed offender has been done away with and came to implicated at the instance of *Chowkidar* with whom he is on an inimical term. It is next submitted that if *Chowkidar* was aware about the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which also 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 petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) 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 Nautan P.S. Case No. 465 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 petitioner and in the event if it is found that petitioner has antecedent of more

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than one case then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. **Accordingly, the application stands allowed.**

(Satyavrat Verma, J)

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