

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84356 of 2025

Arising Out of PS. Case No.-154 Year-2025 Thana- AGIAON District- Bhojpur

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1. Mantosh Musahar @ Santosh Ram S/O Late Jawahir Musahar R/O Village- Barap Musahartoli, P.S- Agiaon Garhani, Distt.- Bhojpur.
 2. Gita Devi W/O Santosh Ram @ Mantosh Musahar R/O Village- Barap Musahartoli, P.S- Agiaon Garhani, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Ms.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-01-2026 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 Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are person with clean antecedent and allegation is of recovery of 40 litres of liquor from the house of petitioners along with other recoveries made from different place as disclosed in the FIR.

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



recovered from their conscious possession and after 2018 amendment in the Excise Act, the concept of deemed possession and presumed offender has been done away with. It is next submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it were petitioners who had kept the liquor in the house or the liquor kept in the house was within knowledge of the petitioners. It is further submitted that they came to be implicated based on secret information which is the easiest way to implicate someone.

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 before the learned trial court 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 Agiaon Garhani P.S. Case No. 154 of 2025, subject to the conditions as laid down under Section Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the



event if it is found that petitioners have antecedent of even one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioners are person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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