IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58713 of 2026

Arising Out of PS. Case No.-167 Year-2026 Thana- MADHEPUR District- Madhubani

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1. Domi Dhanikar @ Doma Dhanikar S/O Late Kamal Dhanikar R/O Vill.- Dharikar Tol, Nawada, P.S.- Madhepur, Dist.- Madhubani
2. Budhan Dhanikar S/O Chalitar Dhanikar R/O Vill.- Dharikar Tol, Nawada, P.S.- Madhepur, Dist.- Madhubani
3. Ramdev Dhanikar S/O Ram Narayan Dhaanikar R/O Vill.- Dharikar Tol, Nawada, P.S.- Madhepur, Dist.- Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 21-08-2026 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 the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case under the Excise Act and petitioners no. 2 and 3 are persons with clean antecedent and allegation is of recovery of 18.900 litres of liquor from *baitka* of Bechan Dhanikar, 14.100 litres of liquor from the house of the petitioner no. 2, 30 litres of liquor from a place near *baitka* of petitioner no. 3, 6.60 litres of liquor from a ditch adjacent to the house of petitioner no. 1 and 6 litres of liquor from a place in front

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of the house of Pinki Devi.

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 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 based on the confessional statement of Bechan Dhanikar in police custody which does not have any evidentiary value in the eye of law. It is also submitted that as far as petitioner no. 1 is concerned, the alleged recovery is from a place which does not belong to him but then is adjacent to his house.

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.5,000/- (Rupees

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Five 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 Madhepur P.S. Case No. 167 of 2026, G.R. No. 295 of 2026, subject to the conditions as 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 petitioner no. 1 has antecedent of more than one case and petitioners no. 2 and 3 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 petitioner no. 1 has antecedent of only one case and petitioners no. 2 and 3 are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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