

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4693 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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SONU KAHAR SON OF LATE MURARI KAHAR @ MURARI SINGH
RESIDENT OF VILLAGE - BHAGWANPUR, P.S. - BHAGWANPUR,
DISTRICT - KAIMUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Kumari Anupam

For the Opposite Party/s : Mrs. Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in connection
with Bhagwanpur P.S. Case No311/2023 registered for the
offence punishable under Sections 37 & 30(a) of Bihar
Prohibition and Excise Act, 2022.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. An allegation is of recovery of 25 litres of liquor
from his house. It is next submitted that the petitioner has been
falsely implicated merely because he also resides in the house
when nothing during the course of investigation transpired
which could even remotely connect the petitioner with the



offence. It is also submitted that 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 his name transpired in the confessional statement of Kanhaiya Pandey in police custody, which does not have any evidentiary value in the eye of law.

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 before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No.2, Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No.311/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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