

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6285 of 2024

Arising Out of PS. Case No.-508 Year-2023 Thana- BAHADURPUR District- Darbhanga

RAJESH PASWAN SON OF LATE RAM SANJIVAN PASWAN RESIDENT
OF VILLAGE - TARALAH, P.S. - BAHADURPUR, DISTRICT -
DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Jha

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bahadurpur P.S. Case No.508/2023 dated 19.10.2023,
registered for the offence punishable under Sections 30(a) of
Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and an allegation is
of recovery of 10 litres of liquor from his house. It is next
submitted that the petitioner was not arrested from the spot as
such nothing was recovered from his conscious possession. It is
also submitted that the police implicated the petitioner in a
mechanical manner when the property is a joint family property.



It is also submitted that the chowkidar for reasons best known implicated the petitioner. It is next submitted that nothing transpired during the course of investigation which could even remotely connect the petitioner with the offence except the fact that the petitioner is also said to be a resident of the said house when after 2018 amendment of the Excise Act, the concept of deemed possession and presumed offender has been done away with.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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, Darbhanga in connection with Bahadurpur P.S. Case No.508/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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