

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6881 of 2024

Arising Out of PS. Case No.-979 Year-2023 Thana- KAHALGAON District- Bhagalpur

PRAMOD MANDAL SON OF ISHWAR MANDAL RESIDENT OF
VILLAGE - HARCHANDPUR, WARD NO.9, SOUTH OF HANUMAN
MANDIR, P.S. - KAHALGAON, DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Pandey

For the Opposite Party/s : Mrs. Asha Devi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Kahalgaon P.S. Case No.979/2023 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise Act,
2016 and Amendment Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 5 litres of liquor from the house of the petitioner. 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 house is a joint family property as such it cannot
be alleged with certainty that it was petitioner, who had kept the
liquor in the house or the liquor kept in the house was within his



knowledge. It is also submitted that 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 also submitted that the petitioner came to be implicated at the instance of local people but then F.I.R. does not disclose the name of the persons, who disclosed the name of the petitioner which casts an aspersion on the case of the prosecution.

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 Additional District and Sessions Judge-12-cum-Special Excise Judge-2, Bhagalpur in connection with Kahalgaon P.S. Case No.979/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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