

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4951 of 2024**

Arising Out of PS. Case No.-165 Year-2023 Thana- MAHINDWARA
District- Sitamarhi

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NARESH SAHNI S/O- RAGHUNI SAHNI R/O- VILLAGE- KOAHLI, P.S.-
MAHINDWARA, DIST.- SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-02-2024
1. Heard learned counsel for the petitioner and the learned A.P.P. for the State.
 2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offenses punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.
 3. The learned counsel appearing for the petitioner submits that the alleged recovery of 90 liters of liquor, no doubt, is from a place which is an open field where for the purposes of agriculture, a room has been constructed in which the alleged liquor was found.
 4. It is next submitted that since the petitioner is owner of the land in question, as such, he came to be implicated. It is also contended that apart from the said fact, nothing transpired during the course of investigation which could even remotely connect the petitioner with the offence when the concept of deemed possession and presumed offender has been



done away after amendment in the Excise Act in the year 2018.

5. The learned A.P.P. opposes the anticipatory bail application 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 court below within a period of six weeks, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-I -cum- Exclusive Special Judge (Excise), Sitamarhi in connection with Mahindwara P.S. Case No. 165 of 2023 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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