

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9868 of 2024

Arising Out of PS. Case No.-346 Year-2023 Thana- Excise P.S. District- Jehanabad

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Prem Kumar @ Gunnu Bind @ Gunnu Kumar Son of Baleshawar Bind
Resident of Village-Fakhakharpur, P.S.-Arwal, District-Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Sections
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and allegation is of
recovery of 30 liters of liquor from the roof of the house of the
petitioner.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and after amendment in the Excise Act in the year
2018 the concept of deemed possession and presume offender
has been done away with it. It is also submitted that the house in
question 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 the knowledge of the petitioner and he came to be implicated by the local people, but then the name of the person who disclosed the name of the petitioner is not recorded in the FIR, which cast an aspersion in the case of the prosecution.

5. The learned APP for the State opposes the anticipatory bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Arwal P.S. Case No.346 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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