

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5082 of 2024

Arising Out of PS. Case No.-550 Year-2023 Thana- KONCH District- Gaya

Jawahir Chaudhary S/O Late Moti Chaudhary Village- Dharhara, Ps. Konch,
Dist. Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Adv

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-02-2024 Heard learned counsel for the petitioner and 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 & Excise Amendment Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and allegation is of
recovery of 25 liters of liquor from six places out of which
five liters is alleged to have been recovered from the house of
the petitioner.

4. The learned counsel for the petitioner submits that
the petitioner came to be implicated at the instance of local
people but the FIR does not disclose the name of the local
people who disclosed the name of the petitioner. It is also
submitted that petitioner was not arrested from the spot as such
nothing was recovered from his conscious possession. It is next



submitted that merely because the liquor was recovered from the house of the petitioner that in itself is not a ground for implicating the petitioner in a case related to excise when after 2018 Amendment of the Excise Act, the concept of deemed possession and presumed offender has been done away with. It is also submitted that during the course of investigation no material transpired connecting the petitioner with the offence except the fact that he is one of the owner of the house.

5. Learned A.P.P opposes the 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,. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise No. 4, Gaya in connection with Konch P.S.Case No. 550 of 2023 of 2023, subject to the conditions laid down under section 438(2) of the Cr. P.C.

N.K/-

(Satyavrat Verma, J)

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