

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9756 of 2024

Arising Out of PS. Case No.-275 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Azad @ Ajad Hjam S/O Jafir Nai @ Zafir Nai (HAJAM), R/O Village-
Murgigadi Sarai, Ward No. 3, Santha, Ps.- Kochadhaman, Dist. Kishanganj.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navneet Kumar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-02-2024 1. 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
Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 156.120 litres of liquor from a cattle
shed situated outside the house of petitioner.
4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted
that after Amendment in the Excise Act, 2018, the concept of
deemed possession and presumed offender has been done away



with. It is also submitted that cattle shed is a place outside the house and thus, is accessible to public at large.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise I/c, Kishanganj in connection with Special Case No.508 of 2023 arising out of Kochadhaman P. S. Case No.275 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)

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