

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11930 of 2024

Arising Out of PS. Case No.-346 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Shubhag Bind @ Subhag Choudhary S/o Late Chandrajit Choudhary @
Chandrajit Bind R/o Vill - Ijari Mathiya Bin Tola, P.S. - Buxar Muffasil, Dist.
- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Buxar Mufassil P.S. Case No. 346 of 2022, registered for the offences punishable under Sections 30(a), 37(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that the petitioner has two antecedents and allegation is of recovery of 1 liter of illicit country made liquor from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession. It is further



submitted that after 2018 amendment in the Excise Act, the concept of deemed possession and presumed offender has been done away with. It is next submitted that the house is a joint family property as such it cannot be alleged with certainty that it was the petitioner who had kept the liquor in the house or the liquor kept in the house is within knowledge of the petitioner and he came to be implicated in the case at the instance of local Chaukidar with whom he is on an inimical term. It is also submitted it appears that the Chowkidar, with a view to save the real culprit, falsely implicated the petitioner.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail 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 learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection



with Buxar Muffasil P.S. Case No. 346 of 2022, subject to
the conditions as laid down under Section 438 (2) of the
Cr.P.C.

(Satyavrat Verma, J)

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