

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10725 of 2024

Arising Out of PS. Case No.-655 Year-2023 Thana- KUDHNI District- Muzaffarpur

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1. Sanjeev Kumar S/o Rajendra Pandit @ Ranjeet Kumar R/o vill - Bhagwanpur, P.S. - Kudhani (Fakuli O.P), Distt. - Muzaffarpur
 2. Vibha Devi W/o Dilip Pandit R/o vill - Bhagwanpur, P.S. - Kudhani (Fakuli O.P), Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 29-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) and 37 of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that the petitioners are person with clean antecedent and allegation is of recovery of 5.43 liters of liquor from the house of the petitioner no. 2.
4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession. It is also submitted that after the amendment in the Excise Act in the year 2018, the concept



of deemed possession and presumed offender has been done away with. It is next submitted that petitioner no. 1 is brother-in-law of petitioner no. 2, as such, the house in question is a joint family property hence it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge. It is next submitted that they came to be implicated based on the confessional statement of Amresh in police custody which does not have any evidentiary value.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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. 5,000/- (Rupees Five Thousand) each 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 Kudhani P.S. Case No. 655 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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