

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11152 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- GADHPURA District- Begusarai

=====

Raja Kumar @ Rajnish @ Rajneesh Kumar, S/O- Sanjay Singh @ Sipul
Singh R/O- Village- Dunhi, P.S.- Gadhpura, Dist.- Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-03-2024 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 09 litres of liquor from the house of

the petitioner along with 54 litres of liquor from a sugarcane

field.

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 nest 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 even the house, which is a joint family property and thus, 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 was within his knowledge. It is also submitted that no doubt, the sugarcane belongs to the petitioner, but then, the same is accessible to public at large as no prudent person would use his own premises for committing an occurrence and thus, would create evidence against himself and hence, would get implicated, when admittedly petitioner is a person with clean antecedent.

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 Exclusive Special Judge, Excise 1st, Begusarai in connection with Gadhpura P. S. Case No.112 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)

vikash/-

U		T	
---	--	---	--

