

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10125 of 2024

Arising Out of PS. Case No.-413 Year-2023 Thana- DALSINGHSARAI District- Samastipur

1. Devanand Mahto @ Deva Mahto @ Dewanand Mahto S/O- Late Vishuni Mahto @ Late Vishnu Mahto R/O- Village- Bahadurpur Armoli Ghataho, P.S.- Dalsinghsarai (GHATHO O.P.), Dist.- Samastipur.
2. Dipak Kumar S/O- Devanand Mahto @ Dev Mahto @ Dewanand Mahto R/O- Village- Bahadurpur Armoli Ghataho, P.S.- Dalsinghsarai (GHATHO O.P.), Dist.- Samastipur.
3. Sunita Kumari @ Sumita Kumari D/O- Devanand Mahto @ Dev Mahto @ Dewanand Mahto R/O- Village- Bahadurpur Armoli Ghataho, P.S.- Dalsinghsarai (GHATHO O.P.), Dist.- Samastipur.
4. Sakuntala Devi @ Shakuntla Devi W/O- Devanand Mahto @ Dev Mahto @ Dewanand Mahto R/O- Village- Bahadurpur Armoli Ghataho, P.S.- Dalsinghsarai (GHATHO O.P.), Dist.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap
For the Opposite Party/s : Mr. Arun Kumar

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 connection with Dalsinghsarai (Ghatho O.P.) P.S. Case No.413/2023 registered for the offence punishable under Sections 341, 323, 224, 225, 333, 353, 147, 149, 504, 506 of the I.P.C. & Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of two cases, petitioner no.2 has



antecedent of one case and petitioner no.3 and 4 are persons with clean antecedent and allegation is of recovery of 10 litres of liquor from the house of Prakash Kumar, who is son of petitioner no.1. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with. It is also submitted that it cannot be alleged with certainty that it was petitioner, who had kept the liquor in the house or the liquor kept in the house was within their knowledge. It is also submitted that they came to be implicated at the instance of chowkidar with whom they are on an inimical term.

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

5. 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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-1,



Samastipur in connection with Dalsinghsarai (Ghatho O.P.) P.S.
Case No.413/2023, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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