

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9822 of 2024**

Arising Out of PS. Case No.-193 Year-2023 Thana- TILAUTHU District- Rohtas

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Dinesh Chaudhary Son of Chandrika Chaudhary Resident of Village-Uttar  
Patti, Tilauthu, P.S.-Tilauthu, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Tiwari, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      28-02-2024                      Heard learned counsel for the petitioner as well as  
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest  
in a case registered for the offences punishable under Sections  
30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. The learned counsel for the petitioner submits that  
the petitioner has antecedent of one case and allegation is of  
recovery of 40 liters of liquor from the open area of the house of  
the petitioner.

4. It is next submitted that petitioner was not arrested  
from the spot as such nothing was recovered from his conscious  
possession and after amendment in the Excise Act in the year  
2018 the concept of deemed possession and presume offender  
has been done away with it. It is also submitted that the house in  
question is a joint family property as such 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 the knowledge of the petitioner.

5. The learned APP for the State opposes the anticipatory 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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Tilauthu P.S. Case No.193 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)**

Prakash Narayan

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