

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15746 of 2024

Arising Out of PS. Case No.-322 Year-2023 Thana- DURAULI District- Siwan

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1. Horil Sahani Son of Late Jiut Sahni R/o vill - Gumawar, P.S. - Darauli, Distt. - Siwan
 2. Sunil Sahani Son of Late Jiut Sahni R/o vill - Gumawar, P.S. - Darauli, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Singh
For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-03-2024 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 270 litres of liquor from the house of the petitioners. 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 no prudent person would use his own



premises for committing an occurrence and thus would create evidence against himself. It is further submitted that the petitioners came to be implicated at the instance of local people but then the name of the person who disclosed the name of the petitioners is not mentioned in the F.I.R., which casts an aspersion on the case of the prosecution, when petitioners admittedly are persons with clean antecedent.

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.500/- (Rupees five hundred) 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 Darauli P.S. Case No.322/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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