

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10636 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- HARLAKHI District- Madhubani

Kushe Mandal, male, aged about 48 years, Son of Garbhu Mandal Resident of
Village- Hurrahi, P.S.- Harlakhi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-02-2024 1 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2 The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 & 273/34 of the Indian Penal Code & 30(a) of the Bihar Excise Act.

3 Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 31.8 litres of liquor from the house of the Petitioner.

4 Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession. It is next 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 and the house 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 within knowledge of the petitioner and he came to be implicated at the instance of Chowkidar with whom he is on an inimical term.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) 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 Harlakhi P.S. Case No. 303 of 2023 (GR no. 1680 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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