

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15720 of 2024

Arising Out of PS. Case No.-521 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

1. Mahendra Kumar @ Abhishek Kumar SON OF LATE UMESH RAY
RESIDENT OF VILLAGE- NUNPUR DHARHARA, SALEMPUR, PS-
SADAR HAJIPUR, DIST- VAISHALI
2. PRINCE KUMAR SON OF LATE UMESH RAY RESIDENT OF
VILLAGE- NUNPUR DHARHARA, SALEMPUR, PS- SADAR
HAJIPUR, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha
For the Opposite Party/s : Mr. Yogendra Kumar Singh

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 offences punishable under Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioners submits that the
petitioner no. 1 has antecedent of one case and petitioner no. 2 is
a person with clean antecedent and allegation is of recovery of
209.9525 liters of liquor from two motorcycles and from house
of Vikash Kumar.

4. Learned counsel for the petitioners submits that the
petitioners were not arrested from the spot as such nothing was
recovered from their conscious possession and are not the owner
of the seized vehicle and they came to be implicated for the



reason that they are brother of Vikash. It is also 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, as such, it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge.

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

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) 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 Hajipur Sadar P.S. Case No. 521 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishabh/-

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

