

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10631 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- DUMARIYA District- Gaya

Surendra Kumar @ Surendra Yadav, male, aged about 25 years, S/o Indar Yadav, R/o Village-Kavisa, P.S.-Dumariya, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijmohan Das, Advocate

For the Opposite Party/s : Mr. Madan Kumar, 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 Section 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 7.50 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 further 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. It is next submitted that 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 within knowledge of the petitioner. It is next submitted that he came to be implicated at the instance of local people, but then the name of the person, who disclosed the name of the petitioner is not disclosed in the FIR, which casts an aspersion on the case of the prosecution, when petitioner admittedly is a person with clean antecedent.

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 Dumariya P.S. Case No. 116 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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