

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14335 of 2024**

Arising Out of PS. Case No.-939 Year-2023 Thana- KANTI District- Muzaffarpur

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Ramesh Kumar Mahto @Ramesh Kumar Son Of Hiralal Mahto Resident Of  
Village- Sain Chhapra Devanand, Ps- Kanti Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shambhoo Kumar Suman, Adv.

For the State : Mr. Khurshid Anwar, APP

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

2      07-03-2024                      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 Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 38.310 liters of liquor from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner was not apprehended 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 presumed offender has been done away



with, it is also submitted that the house in question is a joint family property and as such it cannot be alleged with certainty that it was the petitioner who had kept the liquor in the house or it was in the knowledge of the petitioner that liquor was kept in the house, it is further submitted that the petitioner came to be implicated at the instance of *Chaukidar* 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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kanti P.S. Case No. 939 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Arish/-

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