

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10549 of 2024**

Arising Out of PS. Case No.-83 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Abhay Kumar @ Abhay Kumar Yadav @ Abhay Yadav S/O SHIV MANGAL  
YADAV R/O VILLAGE- LAHUSI KALAN, PS.- DHANAUTI O.P. DIST.-  
SIWAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

**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 has antecedent of three cases and allegation is of  
recovery of 30.380 litres of liquor from a place near a toilet in  
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 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 was petitioner, who kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioner. It is next submitted that he came to be implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value.

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. 15,000/- (Rupees Fifteen Thousand) 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 Siwan Muffasil (Dhanauti) P.S. Case No. 83 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

SUMIT/-

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