

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15140 of 2024

Arising Out of PS. Case No.-920 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Pawan Roy @ Pawan Kumar Yadav SON OF BACHAN RAY R/O
VILLAGE- LAXMIUR, P.S. - LAKHAURA, DISTRICT - EAST
CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-03-2024 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 30(a), 32
and 41(1) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case.

4. Allegation is of recovery of 15 litres of liquor from
the house of the petitioner.

5. Learned counsel for the petitioner submits that
petitioner was not arrested 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 further submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it was the petitioner who had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is next submitted that petitioner came to be implicated at the instance of the Chawkidar with whom he is on an inimical term.

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

7. 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 Court below 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 each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mufassil (Lakhaura) P.S. Case No. 920 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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