

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21507 of 2024

Arising Out of PS. Case No.-454 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Kari Singh @ Tuntun Singh S/o Girdhar Singh Resident of Village- Khamhar,
Ward no.-04, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mr. Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-03-2024 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 offence punishable under Sections 30(a) and 30(d) of Bihar
Prohibition and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of recovery of
20 litres of liquor from the house of the petitioner 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 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 was within his knowledge. It is also submitted that the



petitioner came to be implicated at the instance of local people but then police in majority of the cases is implicating the accused persons in a mechanical manner either through chowkidar or local people but then if the local person was aware about the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant case, which casts an aspersion on the case of the prosecution.

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

5. 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.5000/- (Rupees five 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 Muffasil P.S. Case No.454/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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