

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14805 of 2024**

Arising Out of PS. Case No.-44 Year-2014 Thana- HALSI District- Lakhisarai

1. Deba Dhadhi SON OF LATE DHAMESHWAR DHADHI RESIDENT OF VILLAGE- KAKRAURI, PS- HALSI, DIST- LAKHISARAI
2. CHOUDHARY DHADHI SON OF LATE BISHESHWAR DHADHI RESIDENT OF VILLAGE- KAKRAURI, PS- HALSI, DIST- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajive Ranjan Singh  
For the Opposite Party/s : Ms. Gulnar Begum

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

- 2      11-03-2024      1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 290 of the I.P.C. & Sections 41(A)(F) and 47(A) of Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 900 litres of liquor out of which 75 litres is alleged to have been recovered from the house of petitioner no.1 and 75 litres from the house of petitioner no.2. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their 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 petitioners had kept the liquor in the house or the liquor kept in the house was in their knowledge. It is next submitted that they came to be implicated based on secret information which is the easiest way to implicate someone, when petitioners admittedly are persons with clean antecedent.

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

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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.500/- (Rupees five hundred) each 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 Halsi P.S. Case No.44/2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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