

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20529 of 2024

Arising Out of PS. Case No.-939 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

PRABHU NATH SINGH @ PRABHNATH SINGH SON OF LATE
KAPILDEO SINGH RESIDENT OF VILLAGE - DIGGHI KALA, PURVI
WARD NO. 25, PACHKURWA, P.S. - HAJIPUR SADAR, DISTRICT -
VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-03-2024 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 Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. Allegation is of recovery of 46.350 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 house is a joint family property and 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 in majority of the cases, the police are implicating the innocent persons at the instance of the Chawkidar like in the present one. It is also submitted that if the Chawkidar was aware that petitioner was involved in the occurrence then whey he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

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.500/- (Rupees Five Hundred) 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 Hajipur Sadar 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)

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