

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14220 of 2024

Arising Out of PS. Case No.-349 Year-2023 Thana- SARAI RANJAN District- Samastipur

Rajesh Mahto @ Satha S/o Umesh Mahto R/o Village- Ajit Ganj, P.S.-
Sarairanjan, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Adv.

For the State : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2024 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 Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 11 liters of liquor out of which 4 liters is said to have been recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and after amendment in the Excise Act in 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 and as such it cannot be alleged with certainty that it was the petitioner who had kept the liquor in the house or it was in the knowledge of the petitioner that liquor was kept in the house, it is further submitted that he came to be implicated at the instance of *Chaukidar* with whom he is on an inimical term.

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. 500/- (Rupees Five Hundred) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sarairanjan P.S. Case No. 349 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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