

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14619 of 2024

Arising Out of PS. Case No.-366 Year-2023 Thana- BABUBARHI District- Madhubani

1. Dhiraj Paswan @ Dhiraj Kumar Paswan
2. Dharmender Paswan
Both Son of Munga Lal Paswan, Resident of Village- Bardahi, P.S.-
Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-03-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 272, 273, 34 of the IPC and 30(a) of the Bihar Excise
Prohibition Act.

3. The learned counsel for the petitioners submit that
the petitioners are person with clean antecedent and the
allegation is of recovery of 10 liters of liquor from the house of
the petitioners.

4. 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. 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 the petitioners who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioners. It is also submitted at the cost of repetition that petitioners are person with clean antecedent.

5. The learned APP for the State opposes the anticipatory bail application.

6. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500./- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned ADJ, II-cum-Special Judge, Excise Act, Madhubani in connection with Babubarhi P.S. Case No.366 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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