

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15139 of 2024

Arising Out of PS. Case No.-526 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

=====

Rajesh Bishwas @ Rajesh Vishwas SON OF Late Narayan Bishwas @ Naren
Bishwasa RESIDENT OF VILLAGE - CHAMPA NAGAR, BISHWAS
TOLA, PS- CHAMPA NAGAR, DISTT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 12-03-2024 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, 2016.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. Allegation is of recovery of 8 litres of liquor from
the courtyard of Naren Bishwas.
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 he came to be
implicated merely for the reason that he is son of Naren
Bishwas. It is further submitted that after amendment in the



Excise Act in the year 2018, the concept of deemed possession and presumed offender has been down away with. It is next submitted that petitioner came to be implicated at the instance of the local people but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR which casts as aspersion on the case of the prosecution, when petitioner admittedly is a person with clean antecedent.

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 K. Nagar (Champa Nagar) P.S. Case No. 526 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

