

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15203 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- Excise P.S. District- Madhepura

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1. Vikash Kumar son of Paidal Yadav village- Jorgama W.No-8, Ps- Murliganj Dist- Madhepura
 2. Bebi Kumari @ Bebi Devi wife of Vikash Kumar village- Jorgama W.No-8, Ps- Murliganj Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Wasi Ahmad Khan
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-03-2024 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 offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are person with clean antecedent and allegation is of recovery of 5.490 liters of liquor from the house of one Paidal Yadav.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they came to be implicated in the instant case being son and daughter-in-law of Paidal Yadav. It is also submitted that after the amendment in the Excise Act in the year 2018, the concept of deemed



possession and presumed offender has been done away with. It is next submitted that the entire allegation hinges around suspicion and they came to be implicated based on the confessional statement of co-accused in police custody which does not have any evidentiary value, when admittedly petitioners are persons with clean antecedent.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) 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 Madhepura Excise P.S. Case No. 05 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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