

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18360 of 2024**

Arising Out of PS. Case No.-382 Year-2023 Thana- BABUBARHI District- Madhubani

Bhagwan Lal Paswan @ Bhagwan Paswan S/o Ram Vijay Paswan R/o
Village - Bela, P.S. - Babubarhi, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 10-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272, 273/34 of the Indian Penal Code and 30(a) of the
Bihar Prohibition and Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and allegation is of
recovery of 17 liters of liquor from the house of Rahul Kumar
and 22 liters of liquor from the house of petitioner.

4. It is next submitted that petitioner is 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. 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 petitioner who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioner. It is next submitted that petitioner came to implicated based on secret information which is the easiest way to implicate someone.

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

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 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.5000 /- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge,II-cum-Special Judge, Excise Act, Madhubani in connection with Babubarhi P.S. Case No.382 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. It is further made clear that the learned trial court shall also verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than one case, then also the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

Prakash Narayan

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