

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16472 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- WARISNAGAR District- Samastipur

Dasharath Paswan S/o Garo Paswan Resident of Vill Ekdwari PS Warisnagar
District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-03-2024 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 Sections 30(a) and 30(c) of the Bihar Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 30 liters of liquor along with 500 liters of jaggery solution from the hut 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. It is also submitted that after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender



has been done away with. It is further submitted that police in a mechanical manner implicated the petitioner alleging that the recovery was made from his hut when it has been specifically asserted and stated in the anticipatory bail application that the hut does not belong to the petitioner rather owner of the hut is Ram Bhagat Paswan.

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 Waris Nagar P.S. Case No 16 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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