

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21832 of 2024

Arising Out of PS. Case No.-391 Year-2023 Thana- RAGHOPUR District- Supaul

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1. GANGIA DEVI @ NISHA BHARTI W/O DINESH RAM R/O DHARHARA WARD NO. 9, P.S- RAGHOPUR, DISTT.- SUPAUL.
 2. ANIL KUMAR RAM S/O MAHENDRA RAM R/O DHARHARA WARD NO. 9, P.S- RAGHOPUR, DISTT.- SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patla Kumari
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. At the very outset, learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application with respect to petitioner No.3, Ashok Kumar Yadav. Permission is accorded.

2. The petitioner No.1 and 2 apprehends their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioners submits that the petitioner No.1 is a person with clean antecedent and petitioner No.2 has antecedent of two cases and allegation is of recovery of



162 litres of liquor from a firewood storage hut of petitioner.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from his conscious possession and even the alleged recovery is from a place which is an open space and accessible to villagers at large. It is further submitted that no prudent person would use his own premises for committing an occurrence and would create evidence against himself and hence would get implicated. 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. Thus, it is next submitted that the petitioners came to be implicated at the instance of local people but then the name of the person who disclosed the name of the petitioners is not disclosed in the F.I.R.. It is also submitted that the police in majority of the cases are implicating the accused persons at the instance of Chowkidar or local police.

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 No.1 and 2 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. 10,000/- (Rupees Ten 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 Raghapur P.S. Case No. 391 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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