

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19101 of 2024

Arising Out of PS. Case No.-696 Year-2023 Thana- GARKHA District- Saran

1. Ravi Chaudhary son of Late Achchhelal Chaudhary @ Achhelal Chaudhary Village- Sargadi Ps- Garkha Dist- Saran at Chapra
2. Gautam Chaudhary son of Satyanarayan Chaudhary Village- Sargadi Ps- Garkha Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-03-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits
that the petitioners are persons with clean antecedent and
the allegation is of recovery of 175 litres of liquor from two
motorcycles and hut of petitioners and Sikandar Chaudhary.

4. The learned counsel for the petitioners submits
that petitioners were not arrested from the spot, as such,



nothing was recovered from their conscious possession. It is further submitted that after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is further submitted that it has been specifically pleaded and asserted at Para-8 of anticipatory bail application that the hut in question does not belong to the petitioners. It is next submitted that it appears that the police in order to save the real culprit falsely implicated the petitioners. It is next submitted that petitioners are not the owner of any of the seized vehicles.

5. Learned A.P.P. opposes the bail application.

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 Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned 1st Special Judge Excise, Saran at Chapra in connection with Garkha P. S. Case No.696 of 2023, subject



to the conditions laid down under Section 438(2) of the
Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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