

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18973 of 2024

Arising Out of PS. Case No.-1008 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

MD. PAPPU S/O LATE MUMTAJ ALAM R/O MOHALLA- BIBIGANJ,
BRAHAMPURA WARD NO. 7, P.S- SADAR, DISTT.- MUZAFFARPUR.
... .. Petitioner/s

Versus

THE STATE OF BIHAR
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
A.B.P. No. 123 of 2024, dated 31.01.2024 arising out of Sadar P.S.
Case No. 1008 of 2023 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case.

4. Allegation is of recovery of 17.190 litres of liquor from
the house of the petitioner and from two motorcycles.

5. Learned counsel for the petitioner submits that
petitioner was 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 is further 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 his knowledge and he came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sadar P.S. Case No. 1008 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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