

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17327 of 2024

Arising Out of PS. Case No.-391 Year-2023 Thana- GAIGHAT District- Muzaffarpur

Rishav Kumar @ Rishu @ Rishav Raj S/o Late Manoj Singh R/o Vill and
P.O. - Jarang Deeh, P.S. - Gaighat, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Singh

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-03-2024 1. 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 offence punishable under Sections 30(a) & 37 of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 2 litres of liquor from Tajendra Paswan and 11.625 litres of liquor from the house of the petitioner. It is next submitted 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 also submitted that the house in question is a joint



family property as such it cannot be alleged with certainty that it was 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 by the local people but then the name of person who disclosed the name of the petitioner is not disclosed in the F.I.R., which casts an aspersion on the case of the prosecution.

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

5. 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.5000/- (Rupees five thousand) 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 Gaighat P.S. Case No.391/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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