

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19624 of 2024

Arising Out of PS. Case No.-335 Year-2023 Thana- RUPAULI District- Purnia

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Pawan Kumar @ Pawan Mandal son of Nand Kishor Mandal Village-
Laxmipur girdhar Chand tola PS- Rupauli, Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Kumar Bhagat

Mr.Dheeraj Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-03-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 70 litres of liquor from the courtyard
of the petitioner.

4. The 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, 2018, the concept of deemed possession and



presumed offender has been done away with, as such, merely because the liquor was found in the Courtyard of the petitioner that in itself cannot be a ground for implicating the petitioner mechanically in the case. It is further submitted that even the house, which is a joint family property and thus, 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. It is also submitted that petitioner came to be implicated at the instance of local people, but then, the name of the person, who disclosed the name of the petitioner is not disclosed in the F.I.R., which cast an aspersion on the case of the prosecution. It is also submitted that in most of the cases, innocent persons are being implicated by the police either at the instance of Chaukidar or local people. It is thus submitted that if the person was aware that the petitioner had concealed the liquor in the courtyard, why he did not inform the police earlier and why the said fact was disclosed after the liquor is alleged to have been recovered, which further cast an aspersion on the case of the prosecution.

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

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 Court below



within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Court No.2, Purnia in connection with Rupauli P. S. Case No.335 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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