

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20776 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- MASHRAK District- Saran

SATYENDRA SINGH S/O NAGENDRA SINGH R/O GRAM GANGAULI
DAKSHIN TOLA, P.S- MASHRAKH, DISTT.- SARAN, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Ms. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-03-2024 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 Section 30(a) of the
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. Allegation is of recovery of 1375 litres of spirit
from the *dalaan* of Nagendra Singh.

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 he came to be
implicated based on suspicion and the fact that he is son of
Nagendra Singh. It is further submitted that 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 next submitted that petitioner came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner.

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.500/- (Rupees Five Hundred) 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 Mashrakh P.S. Case No. 379 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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