

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17957 of 2024

Arising Out of PS. Case No.-452 Year-2023 Thana- SAUR BAZAR District- Saharsa

1. Raj Kumar Yadav @ Raj Kumar S/o Subin Yadav
 2. Bijendra Yadav @ Vijendra Kumar S/o Bhochan Yadav
- Both R/o vill - Sahuria East, Ward No. 14, P.S. - Sour Bazar, Dist. - Saharsa
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-03-2024 1. Heard learned counsel for the petitioners as well as 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), 30(c) of the Bihar Prohibition and Excise Act, 2016.
3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 25 liters of liquor each from the house of the petitioners.



4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their 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. It is next submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it was the petitioners who had kept the liquor in their house or the liquor kept in the house was within the knowledge of the petitioners. It is also submitted they came to be implicated at the instance of 'Chowkidar' with whom they are on on inimical term.

5. The learned APP for the State opposes the anticipatory 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 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 Excise Special Judge (Excise), Saharsa in connection with Sour Bazar P.S. Case No.452 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)

Prakash Narayan

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