

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17066 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- BISFI District- Madhubani

BINOD SAHANI @ BANTHA @ BINOD SAHNI Son of Late Ram Bilash Sahni Resident of Village-Aunsi, Zero Mile, Mallah Tol, Ward No. 8, Police Station-Aunsi O.P., District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, A.P.P.

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 offences punishable under Sections 272 and 273 of the Indian Penal Code and 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 20 litres of liquor from a bush behind the hut of the petitioner.

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 even the alleged recovery is from a place which does not belong to the petitioner



and he came to be implicated based on the fact that the alleged recovery was from a place which is adjacent to his house as such it was presumed that petitioner was involved in the occurrence when after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with.

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 Bisfi (Aunsi O.P.) P.S. Case No. 12 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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