

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20473 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- SINDHIYA District- Samastipur

Nitin Kumar Son of Late Rajanl Singh R/O Village-Mahe, P.S.-Singhia, Dist.-
Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 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 offences punishable under Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 233.155 litres liquor from poultry farm of the
petitioner. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession. It is also submitted
that petitioner is a businessman and no prudent person would
use his own premise for committing an occurrence and thus
would create evidence against himself and hence would get
implicated. It is also submitted that after the 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 though it is alleged that liquor was found from the poultry farm of the petitioner but then the recovery was made from a place adjacent to the poultry farm and the petitioner came to be implicated at the behest of local people but then the name of the people who disclosed the name of the petitioner is not disclosed in the FIR 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One 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 Singhia P.S. Case No. 258 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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