

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21972 of 2024

Arising Out of PS. Case No.-460 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Sundaram Kumar Son Of Late Chandra Mauli Singh R/O-Gangauli
Sakhamahan, P.S.-BIBHUTIPUR, Distt.-SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-03-2024 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 1431 litres of liquor from the house of late
Madsudan Mehto and 964.500 from the house of Satyam Kumar
and Sundram Kumar (petitioner).

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and 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 next submitted that house is a joint family property as such it cannot be alleged with certainty that it was petitioner who had kept the liquor in the house or the liquor kept in the house within knowledge of the petitioner. It is next submitted that he came to be implicated at the instance of Chowkidar with whom he is on an inimical term. It is also submitted that in majority of the cases, the police is implicating the accused persons through Chowkidar or local people but then submits that if Chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police earlier to institute the FIR which further casts aspersion on the case of the prosecution.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court 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 trial court where the case is pending/successor court in connection with Bibhutipur P.S. Case No. 460 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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