

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22409 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- AGIAON BAZAR District- Bhojpur

Mukesh Kumar @ Mukesh Yadav SON OF LATE BHAGIRATH SINGH
Village- Bhagwatipur, P.S.- Udwanthnagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Ms. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2024 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 414/34 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 is a person with clean antecedent.

4. Allegation is of recovery of 20 litres of liquor from the
house of the petitioner and 20 litres of liquor from a motorcycle.

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 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 further submitted
that house in question is a joint family property as such it cannot be



alleged with certainty that it was the petitioner who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioner. It is also submitted that petitioner is not the owner of the motorcycle and he came to be implicated based on the confessional statement of Dayashankar Yadav in police custody which does not have any evidentiary value in the eye of law when admittedly petitioner is a person with clean antecedent.

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 Agaion Bazar P.S. Case No. 248 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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