

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22967 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- RAFIGANJ District- Aurangabad

1. Sanjay Choudhary SON OF SHANICHR CHOUDHARY RESIDENT OF VILLAGE- NAIKI, PS- RAFIGANJ, DISTT- AURANGABAD
2. Butta Choudhary @ Satyendra Chaudhary SON OF SHANICHR CHOUDHARY RESIDENT OF VILLAGE- NAIKI, PS- RAFIGANJ, DISTT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Aman Vishal, Advocate
For the Opposite Party/s :	Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) and 30(c) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 200 liters of liquor from the house of Lotha Chaudhary, 1000 liters of soaked Mahua from the house of Sanjay Chaudhary (petitioner no. 1) and 1500 liters of soaked Mahua from the house of Butta Chaudhary (petitioner no. 2)

4. Learned counsel for the petitioners submits that the



petitioners were not apprehended from the spot as such nothing was recovered from their 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 even the alleged recovery is from a house which is a joint family property, as such, it cannot be alleged with certainty that it was the petitioner who had kept the raw material in the house or the raw material kept in the house was within the knowledge of the petitioners. It is also submitted that they came to be implicated based on secret information which is the easiest way to implicate someone, when petitioners admittedly are persons with clean antecedent.

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 petitioners, the petitioners above-named, in the event of their 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rafiganj P.S. Case



No. 25 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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