

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19457 of 2024

Arising Out of PS. Case No.-217 Year-2023 Thana- BIHRA District- Saharsa

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ARUN KUMAR Son of Basant Kumar Mahto @ Basant Mahto Resident of
Village-Bihra Pandey Tola, Ward No.-6, P.S.-Bihra, Dist.-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-03-2024 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 offence punishable under Section 30(a) of Bihar Prohibition
and Excise Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 124.200 litres of liquor from the house of the petitioner.
It is next submitted 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 also submitted that the house in question is a joint family
property and many people live in the house, 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 was within his knowledge. It is further submitted that the petitioner came to be implicated at the instance of chowkidar with whom he is on an inimical term. It is next submitted that in majority of the cases, the police is implicating innocent people either at the instance of chowkidar or local people, when petitioner admittedly is a person with clean antecedent.

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 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 trial court where the case is pending/successor court in connection with Bihra P.S. Case No.217/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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