

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21410 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- PIRO District- Bhojpur

Ravi @ Lakdi Yadav S/o Sita Ram Singh @ Seetaram Singh R/o Vill - Balua
Tola, P.S. - Piro, Dist. - Bhojpur at Ara

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 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 30 litres of liquor from straw house of the 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 also submitted that alleged recovery is from a place



which is accessible to public at large, a such, it appears that someone inimical to the petitioner and his family planted meagre amount of liquor for implicating the entire family. It is next submitted that 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 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 Piro P.S. Case No. 17 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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