

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20054 of 2024**

Arising Out of PS. Case No.-415 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

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DHULDHUL KUMAR @ RAJA @ RAJA BABU KUMAR S/O- PRAKASH
MAHTO R/O- VILLAGE- R.K. COLLEGE, ROAD NO.- 11, P.S.- TOWN,
DIST.- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav
		Mr. Ravi Prakash
		Mr. Udeshya Kr. Yadav
For the Opposite Party/s :		Mr. Ramchandra Sahni

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 22-03-2024 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, 2022.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 52.2 litres of liquor from the house of Prakash
Mahto. It is next submitted that petitioner was not arrested from
the spot as such nothing was recovered from his conscious
possession and he came to be implicated based on the fact that
he is the son of Prakash Mahto 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 thus submitted that 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 and he came to be implicated based on confessional statement of Prakash in police custody, which does not have any evidentiary value.

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 Town P.S. Case No.415/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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