

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20978 of 2024

Arising Out of PS. Case No.-645 Year-2023 Thana- NAANPUR District- Sitamarhi

Sunil Ray, Son Of Sitaram Ray Resident Of Village- Bathaul, Ps- Nanpur
(Bhokhra), Distt- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Ms.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-03-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Section 30(a)
of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and the allegation is of
recovery of 15 litres of liquor from the house of the petitioner.
4. The 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, 2018, the concept of deemed possession and
presumed offender has been done away with. It is further
submitted that the house from which the alleged recovery is shown
is under construction, as such, no one is staying in the house and
thus, is accessible to villagers at large and it appears that someone



inimical to the petitioner planted meagre amount of liquor in the under constructed house in order to falsely implicate the petitioner and his family members. It is also submitted that he came to be implicated based on confessional statement of Sunil Sahni and Raj Kumar in police custody, which does not have any evidentiary value.

5. Learned A.P.P. opposes the bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Excise Court-II, Sitamarhi in connection with Nanpur P. S. Case No.645 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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