

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20865 of 2024

Arising Out of PS. Case No.-119 Year-2022 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Surendra Yadav, S/O Gopal Yadav R/O Village/Mohalla- Kafoganj Patel
Chowk, P.S- University, Distt.- Darbhanga.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Rabindra Kumar

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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

Sections 336, 353, 427 and 34 of the I.P.C. and Section

30(a) of the Excise Act.

3. The learned counsel for the petitioner submits

that the petitioner is a person with clean antecedent and the

allegation is of recovery of 376.500 from a van and 307.500

from the cowshed 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 also submitted that cattle-shed is a place outside the house and is accessible to villagers at large and no prudent person would use his own cattle-shed and thus, would create evidence against himself and hence, would get implicated. It is also submitted that it appears that someone inimical to the petitioners used the cattle-shed for planting liquor. It is next submitted that he came to be implicated based on secret information, which is the easiest way to implicate someone, when admittedly petitioner is a person with clean antecedent.

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.500/- (Rupees Five Hundred) with two sureties of the



like amount each to the satisfaction of the learned Special
Excise Judge-II, Darbhanga in connection with University P.
S. Case No.119 of 2022, 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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