

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22611 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- BIDUPUR District- Vaishali

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Vinod Jakai @ Vinod Ray @ Vinod Jatai S/o Late Najir Rai R/o Vill.-
Nawanagar, P.S.- Bidupur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar Choudhary

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-04-2024 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 is a person with clean antecedent and the allegation
is of recovery of 432 litres of liquor from bathan 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 bathan is a place
outside the house and which is accessible to villagers at large. It is
further submitted that after Amendment in the Excise Act, 2018,
the concept of deemed possession and presumed offender has been



done away with. It is next submitted that no prudent person would use his own field for committing an occurrence and thus, would create evidence against himself and hence, would get implicated. It is also submitted that petitioner 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 Exclusive Special Excise Court-1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Bidupur P. S. Case No.05 of 2024, 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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