

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22052 of 2024

Arising Out of PS. Case No.-23 Year-2022 Thana- MADHAURAH District- Saran

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Bilash Mahto S/O Jitan Mahto R/O Village- Khorampur, P.S- Marhowrah,
Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-03-2024 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.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 40 litres of liquor from the house of Dadan Mahto
and 20 litres from the house of Bilash Mahto (Petitioner). It is
next submitted that petitioner was not arrested from the spot as
such nothing was recovered from his conscious possession 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 also submitted that the house in question is a



joint family property as such 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 secret information which is the easiest way to implicate someone, when petitioner admittedly is a person with clean antecedent.

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 Marhowrah (Gaura O.P.) P.S. Case No.23/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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