

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28109 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- KISHANPUR District- Supaul

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Jitendra Yadav @ Jitendra Kumar S/O Late Asheshwar Yadav R/O Village-
Chilhwa Ward No. 01, P.S- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2024 1. Heard learned counsel for the petitioner as well as
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 Bihar Prohibition and Excise Act, 2018.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 249.750 liters of liquor from a motorcycle and
also from room of the petitioner.

4. 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 owner of the motorcycle. It is further submitted that no
prudent person would use his own vehicle for committing an
occurrence and thus would create evidence against himself and



hence would get implicated. It is also submitted that after amendment in the Excise Act in the year 2018 the concept of deemed possession and presumed offender has been done away with it. 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 the knowledge of the petitioner.

5. It is thus submitted that petitioner came to be implicated based on the fact that he is owner of the seized vehicle and based on that it is alleged that the liquor was recovered from his room when the petitioner vehemently denies the same. It is also submitted that it absolutely does not stand to reason that on one hand the prosecution alleges that a motorcycle belong to the petitioner and thereafter based on secret information he is being implicated which cast an aspersion on the case of the prosecution

6. The learned APP for the State opposes the anticipatory bail application.

7. 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 Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-I, Supaul in connection with Kishanpur P.S. Case No.281 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

Prakash Narayan

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