

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25003 of 2024

Arising Out of PS. Case No.-269 Year-2022 Thana- GOGRI District- Khagaria

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Pritam Kumar Yadav @Pritam Yadav @ Priyam Yadav SON OF
CHANDESHWARI YADAV @ CHANO YADAV RESIDENT OF
VILLAGE- SHERGHATI, PS- GOGRI, DIST- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-04-2024 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 the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case.

4. Allegation is of recovery of 300 litres of codeine
syrup from outside the house of the petitioner's father
Chandeshwari Yadav @ Chano Yadav.

5. 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 in the year 2018, the concept of deemed



possession and presumed offender has been done away with. It is further submitted that petitioner came to be implicated at the instance of the local person but then if the local person was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution. It is next submitted that the police in mechanical manner implicate either at the instance of the Chawkidar or the local people. It is also submitted that Basa is basically the portion of the house which is outside the house and thus it cannot be alleged with certainty that it was the petitioner who had kept the syrup or the syrup kept in the Basa was within the knowledge of the petitioner. It is submitted that petitioner will not abscond rather will cooperate in the investigation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/successor court in connection with Gogri P.S. Case No. 269 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be communicated to the concerned police station through the learned trial court.

(Satyavrat Verma, J)

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