

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25233 of 2024

Arising Out of PS. Case No.-382 Year-2023 Thana- BABUBARHI District- Madhubani

Rahul Kumar Paswan @ Indrajit Paswan @ Rahul Paswan SON OF Kali
Charan Paswan @Kalichandra Paswan RESIDENT OF VILLAGE - BELA
DEVRA, PS- BABUBARHI, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-04-2024 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
Sections 272, 273/34 of the IPC and 30(a) of the Bihar
Prohibition and Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 17 liters of liquor from the house of petitioner, 22
liters of liquor from the house of Bhagwan Lal Paswan and 12
liters of liquor from the house of Hari Narayan Paswan.

4. 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. 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 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.

5. The learned APP for the State opposes the anticipatory 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 Additional Sessions Judge,II-cum-Special Judge, Excise Act, Madhubani in connection with Babubarhi P.S. Case No.382 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. 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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