

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27701 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- Excise P.S. District- Vaishali

Dhirendra Rai S/o Pradeep Ray Resident of Village- Jurawanpur, P.S.-
Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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
Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of two cases and allegation is of
recovery of 43.200 liters of liquor from the house 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 after amendment in the Excise Act in the year
2018 the concept of deemed possession and presume 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 his knowledge and he came to be implicated at the instance of local people, but then the name of the person who disclosed the name of the petitioner is not recorded in the FIR, which cast an aspersion in the case of the prosecution. It is also submitted that if the local person was aware of the involvement of the petitioner in the occurrence then why he or she did not inform the police prior to institution of the instant FIR, which cast an aspersion on the case of the prosecution.

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.10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.II-cum-ASJ, Vaishali at Hajipur in connection with Hajipur Excise P.S. Case No.12 of 2024, 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 more than two cases, in that event, the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

Prakash Narayan

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