

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24395 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- TURKAULIYA District- East Champaran

Tuntun Paswan son of Late Nityanand Paswan Village- Madhopur Ps-
Turkauliya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-04-2024 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 offences punishable under Sections 272 and
273 of IPC and Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 25 litres of spirit from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and after the
amendment in the Excise Act in the year 2018, the concept of
deemed possession and presumed offender has been done away
with. It is next submitted that house 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 within knowledge of the petitioner. It is further submitted that he came to be implicated by the local people but then the FIR does not disclose the name of the person who disclosed the name of the petitioner, which casts an aspersion on the case of the prosecution. It is also submitted that in majority of the cases, the police, in a mechanical manner, is implicating the innocent persons through Chowkidar or local people, but then it does not stand to reason that if local people was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which further casts aspersion on the case of the prosecution.

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

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 trial court 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 Turkauliya P.S. Case



No. 34 of 2024 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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