

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24746 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- OBRA District- Aurangabad

Santosh Yadav S/o Late Sitaram Yadav R/o vill - Shankarpur, P.S. - Obra,
Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-04-2024 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
Bihar Prohibition and Excise Amendment Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 32.36 litres of liquor out of which 7.560 litres of
liquor is alleged to have been recovered from the stockyard of
the petitioner. 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 is also submitted that the



police in mechanical manner implicates either at the instance of local people or the chowkidar 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 institution of the instant F.I.R., which casts an aspersion on the case of the petitioner, when petitioner admittedly is a person with clean antecedent.

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

5. 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.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 Obra P.S. Case No.48/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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 petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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