

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23778 of 2024

Arising Out of PS. Case No.-233 Year-2017 Thana- SALIMPUR District- Patna

Santosh Kumar Yadav @ Santosh Kumar @ Santosh Yadav S/o Ram Nath
Rai R/o vill - Kala Diyara, P.S. - Salimpur, distt. - patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-05-2024 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 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 160 litres of liquor from the straw storage hut of
petitioner, 30.400 litres of liquor from the house of Sohan Ray
and 30 litres of liquor from the house of Gajadhar Rai.

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 straw house is a place outside the house and even the recovery was made from a place adjacent to the straw house but the petitioner came to be implicated by 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.

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 Salimpur P.S. Case No. 233 of 2017 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
to.

(Satyavrat Verma, J)

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