

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23862 of 2024

Arising Out of PS. Case No.-1211 Year-2023 Thana- TURKAULIYA District- East
Champaran

Chandrakishor Yadav S/o Jokhu Yadav @ Birendra Yadav r/o vill - Shankar
Saraiya Ahir Toli, P.S. - Turkauliya, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-04-2024 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 147, 341,
323, 353, 504, 506, 272 and 273 of the Indian Penal Code and
Section 30(a), 41(i) and 45 of the Bihar Prohibition and Excise
Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases.

4. Allegation is of recovery of 14 litres of liquor from
the courtyard of the petitioner.

5. Learned counsel for the petitioner submits 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 further submitted that the courtyard is a place outside the house and it appears that someone inimical to the petitioner planted meager quantity of liquor to implicate him. It is next submitted that petitioner came to be implicated at the instance of the Chawkidar. It is also submitted that if the Chawkidar was aware about the involvement of the petitioner in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution as the petitioner is on an inimical term with the Chawkidar.

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

7. 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.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Turkauliya P.S. Case



No. 1211 of 2023, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting
the bail bonds of the petitioner, shall verify the criminal
antecedent of the petitioner and if it is found that petitioner has
antecedent of more than four cases in that event the present
anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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