

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24017 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- MOTIPUR District- Muzaffarpur

Rohit Kumar S/o Balmiki Prasad Thakur @ Balmiki Thakur Resident Of
Village Mathiya, P.s - Motipur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Ms. Gulnar Begum

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 offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of
recovery of 34.14 litres of liquor from the house 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 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 chowkidar. It is further submitted that the police in majority of the cases is implicating at the instance of the accused persons but then if the chowkidar was aware about the involvement of the petitioner in the occurrence in that event 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 prosecution.

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.5000/- (Rupees five thousand) 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 Motipur P.S. Case No.38/2024, 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 more than one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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