

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25132 of 2024

Arising Out of PS. Case No.-1423 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Gangesh Kumar son of Late Indeshwari Prasad Saha R/o- Mirja Hata Ward
No-4, PS - K. Hat (Madhubani) Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Dr. (Mr.) Ajeet Kumar, A.P.P.

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 offences punishable under Sections 272 and 273 of the Indian
Penal Code as well as Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. Allegation is of recovery of 105.750 litres of liquor
from the house 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 petitioner had given his house on rent to Manish Kumar Anand



and the alleged recovery is also from a place where Manish Kumar Anand stays who was also apprehended from the spot along with Nitesh Kumar.

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.500/- (Rupees Five Hundred) 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 Purnea K. Hat (Madhubani) P.S. Case No. 1423 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 even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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