

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26625 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- SONEPUR District- Saran

1. Rakesh Kumar S/o Rajnarayan Rai
2. Rajnarayan Rai S/o Let Rajendra Rai
Both R/o vill - Sabalpur Chaharam, P.S. - sonpur, Distt. - Saran
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-05-2024 1. Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 in connection with Sonapur P.S. Case No.61 of 2024.

3. The learned counsel for the petitioners submit petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of two cases and allegation is recovery of 278.110 liters of liquor from asbestos and brick hut of petitioner no.1.

4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their 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 the petitioners who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioners. It is next submitted that since petitioners are son and father respectively, as such they came to be implicated based on suspicion.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Second Exclusive Special Excise Judge, Saran at Chapra in connection with Sonapur P.S. Case No.61 of 2024., subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal



antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than one case and petitioner no.2 has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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