

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25297 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Raja Kumar @ Raja Kumar Sahni Son of Satya Narayan Sahni Resident of
Village- Chandwara Sahpur, P.S.- Ahiyapur, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ravi Ranjan
For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 204-04-20241. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 86.400 litres of liquor from the hut of the petitioner and 17.280 litres of liquor from a motorcycle.
4. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and the place from where the alleged recovery is shown, is not a hut, but a house



and the same is a joint family property and thus, it cannot be alleged with certainty that it was the petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge rather he came to be implicated based on the fact that he is owner of the seized motorcycle. It is further submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated. More so, when admittedly petitioner is a person with clean antecedent. It is also submitted that after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with.

5. Learned A.P.P. opposes the bail application.

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 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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No.1, Muzaffarpur in connection with Muzaffarpur Town P. S. Case No.54 of 2024, subject to the conditions laid down under



Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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