

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25763 of 2024**

Arising Out of PS. Case No.-31 Year-2021 Thana- SALIMPUR District- Patna

Saheb Kumar @ Sahjanand Son of Raj Kumar @ Bhallu Yadav Resident of  
Village- Bihta, P.S.- Salimpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kaushal Kishor

For the Opposite Party/s : Ms. Indu Kumari Srivastava

**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 Section 30(a) of the  
Bihar Excise Act.
3. Learned counsel for the petitioner submits that the  
petitioner has antecedent of four cases and allegation is of  
recovery of 52 liters of liquor from the house of Bhallu Yadav.
4. Learned counsel for the petitioner submits that the  
petitioner was not arrested from the spot as such nothing was  
recovered from his conscious possession and he came to be  
implicated by local people on the ground that he is son of Bhallu  
Yadav. It is also submitted that after the 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 in majority of the cases police is implicating  
accused persons either at the instance of *Chowkidar* or local



people. It is also submitted that if the *Chowkidar* was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty 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 Salimpur P.S. Case No. 31 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 7. However, it is made clear 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 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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