

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25965 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- Excise P.S. District- Madhubani

Md. Maruddin @ Md. Mustakim @ Manuddin SON OF LATE RAMJANI @
BHOLA RESIDENT OF VILLAGE- SISBAR, WARD NO. 10, PS-
PHULPARAS, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-04-2024 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 30(a),
32(1) and 32(3) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

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

4. Allegation is of recovery of 1640.520 litres of
liquor from a hut and a motorcycle.

5. Learned counsel for the petitioner submits though it
is alleged that the recovery is from a hut but then it is a house
and is a joint family property in which even the petitioner stays.
It is further submitted that wife (Sahida Khatoon) of the



petitioner and Jitendra Kumar Rai were arrested and the petitioner was completely unaware that they were involved in selling of illicit liquor. It is next submitted that after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and the petitioner is not the owner of the seized motorcycle and he came to be implicated based on the confessional statement of Jitendra Kumar Rai and Sahida Khatoon in police custody which does not have any evidentiary value in the eye of law.

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 Jhanjharpur Excise P.S. Case No. 31 of 2024, 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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