

Arising Out of PS. Case No.-46 Year-2024 Thana- NASRIGANJ District- Rohtas

... Petitioner/s

Versus

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari

For the Opposite Party/s : Mr. Anil Prasad Singh

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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 10 liters of liquor from the field of the petitioner.

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. 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 even the field from which the liquor is alleged to have been recovered is a place outside the house of the petitioner. It is next submitted that no prudent person would use his own field for committing an occurrence and thus would create



evidence against himself and hence would get implicated, it is thus submitted that someone inimical to the petitioner planted meagre amount of liquor in the field of the petitioner for getting the entire family members implicated.

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. 1,000/- (Rupees One 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 Nasriganj P.S. Case No. 46 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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 even one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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