

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26564 of 2024

Arising Out of PS. Case No.-702 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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BHIKHARI PATEL SON OF HARENDRA RAUT @ MAHENDRA RAUT
RESIDENT OF VILLAGE - BAHADURPUR, WARD NO.14, P.S. -
ARERAJ, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Asif Kalim, Advocate
For the Opposite Party/s : Ms.Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 270, 273 of the IPC and Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and allegation is of
recovery of 11.200 liters of liquor from the thatched hut of
Harendra Raut.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his 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. It is also further submitted that petitioner came to be implicated based on the fact that he is son of Harendra Raut. It is next submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that if local person was aware of the involvement of the petitioner then why he did not inform the police prior to institution of the instant FIR which cast an aspersion of the case of the prosecution.

5. The learned APP for the State opposes the anticipatory 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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, East Champaran, Motihari in connection with Govindganj (Areraj) P.S. Case No.702 of 2023, 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 more than one case, in that event, the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

Prakash Narayan

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