

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33777 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- CHAUTHAM District- Khagaria

1. Rajeev Kumar Sah @ Rajeev Gupta S/o Sukhdev Sah @ Sukhdev Gupta R/o Vill Pipara PS Chautham Dist Khagaria
2. Pinki Devi W/o Rajeev Kumar Sah @ Rajeev Gupta R/o Vill Pipara PS Chautham Dist Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Vikram

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of two cases and petitioner no. 2 is a person with clean antecedent and is a woman and allegation is of recovery of 219.425 liters of liquor from the house of petitioners.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was



recovered from their conscious possession and 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 also submitted that house, in question, is a joint family property, as such, it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge. It is next submitted that they came to be implicated based on secret information which is the easiest way to implicate someone.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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. 10,000/- (Rupees Ten Thousand) each 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 Chautham P.S. Case No. 51 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 petitioners shall verify the criminal



antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than two cases and petitioner no. 2 has antecedent of even one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

