

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29540 of 2024

Arising Out of PS. Case No.-428 Year-2022 Thana- KALYANPUR District- Samastipur

Fulo Paswan SON OF BHUTTU PASWAN RESIDENT OF VILLAGE -
TEERA JATHMALPUR, P.S- KALYANPUR, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-04-2024 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) of the Bihar Excise Act, 2018.

3. Learned counsel for the petitioner submits that the petitioner has one antecedent and allegation is of recovery of 3 liters of illicit country made liquor from the hut 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 further submitted that after 2018 amendment in the Excise Act, the concept of deemed possession and presumed offender has been done away with. It is further submitted that in majority of the cases, police



are implicating the innocent people either at the instance of Chowkidar or at the instance of local people. It is also submitted that if the Chowkidar was aware about the involvement of the petitioner, why he did not inform the police prior to institution of the instant FIR, which casts and 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. 5,000/- (Rupees Five 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 Kalyanpur P.S. Case No. 428 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that the petitioner has antecedent of even one case/ has



antecedent of more than one case, in that event the present
anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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