

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29900 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- CHIRAIYA District- East Champaran

Mahanth Rai SON OF Laxman Rai RESIDENT OF VILLAGE-
MOHADDIPUR, PS- CHIRAIYA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra, Advocate

For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 22-04-2024
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 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 50 liters of liquor from the bamboo clamp of the petitioner.
4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from the conscious possession. It is also 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 after amendment in the Excise Act in the year 2018 the concept of deemed possession and presumed offender has been done away with it and petitioner came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner.

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 in connection with Chiraiya P.S. Case No.57 of 2024, subject to the conditions 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 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.

The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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

