

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30262 of 2024

Arising Out of PS. Case No.-133 Year-2024 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Arvind Choudhary S/o- Haricharan Choudhary Village- Haiwatpur Ps-
Muffasil Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mr. Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 224-04-20241. 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 offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of 3 cases and allegation is of recovery
of 15 litres of liquor from the house of the petitioner and 10
litres of liquor from the house of Naresh Sahni. 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 is next submitted that petitioner came to be implicated at the instance of local person but the name of local person who disclosed the name of petitioner is not mentioned in the F.I.R., which casts an aspersion on the case of the prosecution and it appears that the police in a mechanical manner implicated the petitioner taking advantage of his antecedents.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees fifteen 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 Muffasil P.S. Case No.133/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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 petitioner has antecedent of more than three cases, in



that event, the present anticipatory bail order shall not be given
effect to.

(Satyavrat Verma, J)

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