

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31888 of 2024

Arising Out of PS. Case No.-175 Year-2011 Thana- PHULWARISHARIF District- Patna

Ganga Bishun Chauhan @ Ganga Bishun, S/O Rameshwar Chauhan R/O
Village- Govindpur Mushhari, P.S- Phulwari Sharif, Distt.- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-04-2024 1. Heard learned counsel for the petitioner and
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 290 of the I.P.C. and Sections 47(A)(B)(C)(D)(E)(F)
read with Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and the allegation is of
recovery of 15 litres of liquor from the house of the petitioner,
though in the F.I.R., it is also alleged that the liquor was also
recovered from the house of different accused persons as
detailed therein.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is further submitted that the petitioner came to be implicated based on secret information, which is the easiest way to implicate someone. It is also submitted that no prudent person would use his own premises for committing a crime and thus, would create evidence against himself and hence, would get implicated.

5. Learned A.P.P. opposes the 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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act First, Patna in connection with Phulwarisharif P. S. Case No.175 of 2011, 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 application shall not be given effect to.

(Satyavrat Verma, J)

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