

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31384 of 2024

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

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Naresh Sahni @ Pandit Jee S/o Late Ram Badan Sahni R/o vill - Koriya, P.S.
- Muffasil, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nakul Jamuar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 230-04-2024
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 four cases and allegation is of recovery of 10 liters of liquor from the house of the petitioner and 15 liters of liquor from the house of Arvind Chaudhary.

4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from their 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. It is also submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it was the petitioner who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioner. It is next submitted that he came to be implicated by local people, but then it absolutely does not stand to reason that local person was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR, which cast an aspersion on the case of the prosecution,

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.20000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Begusarai in connection with Begusarai Muffasil P.S. Case No.133 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



7. It is further made clear that the learned trial court shall also verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than four cases, then also the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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