

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32616 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- PHULWARIYA District- Gopalganj

=====

Dhananjay Kumar Singh @ Bijali Chaudhur Son of Late Rajkishore Singh @
Rajkishore Chaudhur Resident of village - Maripur, P.S. - Phulwariya, Distt -
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shashi Ranjan Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-05-2024 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
Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 08 litres of liquor from banana
orchard of the petitioner.
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. It is further submitted
that after Amendment in the Excise Act, 2018, the concept of



deemed possession and presumed offender has been done away with. It is also submitted that no prudent person would use his own land for committing an occurrence and thus, would create evidence against himself and hence, would get implicated. It is also submitted that someone inimical to the petitioner planted meager amount of liquor on his land with a view to implicate the petitioner and his family members.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII-cum-Special Excise Court I No.1, Gopalganj in connection with Phulwariya P. S. Case No.87 of 2024, 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 even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

vikash/-

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

