

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33063 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- KADAMKUAN District- Patna

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1. Gauri Yadav @ Gauri Shankar Kumar @ Gauri Kumar
 2. Kanhaiya Yadav @ Kanhaiya Kumar

Both S/o Lal Babu Yadav R/o vill - East Lohanipur, Railway Hundra, P.s. -
Kadamkuan, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 07-05-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.
2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2022 in
connection with Kadamkuan P.S. Case No.173 of 2024.
3. The learned counsel for the petitioners submit that
the petitioners are person with clean antecedent and the
allegation is of recovery of 49.125 liters of liquor from the
house of the petitioners.



4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from the 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 are a joint family property as such it cannot be alleged with certainty that it were petitioners who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioners. It is next submitted that they came to be implicated based on secret information which is the easiest way to implicate someone.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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 Special Judge, Excise, Patna in connection with Kadamkuan P.S. Case No.173 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 even one case, in that event, the present anticipatory bail order shall not be given effect

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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