

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32786 of 2024

Arising Out of PS. Case No.-684 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Shambhu Rai SON OF LATE GUDAR RAI VILLAGE - INARWA
FULWAR, PS- LAKHAURA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rajesh Ranjan
For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 210-05-2024
1.

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 offences punishable under Section 30(a), 32 and 41(1) of the Bihar Excise Act.
3.

Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and allegation is of recovery of 5 litres of liquor from the hut of the petitioner.
4.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and after the 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 though it is alleged that liquor was recovered from the hut of the petitioner but then the alleged place of recovery is not a hut rather a place which is accessible to public at large, but then police mechanically implicated the petitioner taking advantage of his antecedents.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Ghorasahan (Lakhaura) P.S. Case No. 684 of 2023, subject to the conditions as 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 antecedents of the petitioner and in the event if it is found that the petitioner has antecedent of more than two cases, in that event the present anticipatory bail order shall not be



given effect to.

(Satyavrat Verma, J)

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