

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32361 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Bhabhikashan Yadav @ Bhavikshan Yadav Son of Naurangi Yadav Resident
of Village- Ramauli, in Front of Petrol Pump, Ward No- 09, P.S-Nawkothe,
Dist- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad
For the Opposite Party/s : Mr. Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 230-04-20241. 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 offence punishable under Sections 272, 273 of the I.P.C. and
Section 30(a) of Bihar Prohibition and Excise Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 4 litres of liquor from the hut of the petitioner. It is next
submitted that petitioner was not arrested from the spot as such
nothing was recovered from his conscious possession and It is also
submitted that after amendment in the Excise Act in the year 2018,
the concept of deemed possession and presumed offender has been
done away with. It is further alleged that though it is alleged that
alleged recovery is from the hut but then it is a house and joint family



property. It is also submitted that the police implicated the petitioner based on secret information which is the easiest way to implicate someone.

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

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees five hundred) 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 Nawkothe P.S. Case No.36/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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 petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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