

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35301 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- SARAI District- Vaishali

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Nageshwar Paswan Son Of Late Jaylal Paswan @ Late Jaglal Paswan
Resident Of Village- Mohammadpur Alawpur @ Mohamadabad, Ps- Sarai,
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2024 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 offence punishable under Section 30(a) of
Bihar Prohibition and Excise Amendment Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 40 litres of liquor from the house 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 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 also submitted that the house in question is



a joint family property as such it cannot be alleged with certainty that it was petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge and he came to be implicated at the instance of Sahola Devi in police custody, which does not have any evidentiary value. It is also submitted that Sahola Devi is wife of the petitioner and no wife would implicate her own husband, which amply demonstrates that under pressure she was made to confess about the involvement of the petitioner.

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 Sarai P.S. Case No.223/2023, 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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