

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33856 of 2024

Arising Out of PS. Case No.-751 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Bablu Shah @ Bablu Kumar Gupta Son of Madan Prasad Gupta @ Madan
Sah Resident of Village- Subhai, P.S.- Hajipur Sadar, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Prasad

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-05-2024 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
Sections 353, 504 and 34 of the I.P.C. and 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 25 litres of liquor from the house 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 and after Amendment
in the Excise Act, 2018, the concept of deemed possession and



presumed offender has been done away with. It is further submitted that even the house, which is a joint family property and thus, cannot be alleged with certainty that it was the 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 based on confessional statement of Radha Devi in police custody, which does not have any evidentiary value. It is further submitted that Radha Devi is wife of petitioner and the police forcefully made her confessed about involvement of the petitioner in the occurrence. It is also submitted that no wife would disclose the name of her husband.

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 Exclusive Special Excise Court No.1-cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P. S. Case No.751 of 2023, 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	
---	--	---	--

