

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35553 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- BODHGAYA District- Gaya

Rahul Kumar Son of Yadu Malakar R/O Village- Maharani Road Pachhati,
P.S.- Bodh Gaya, Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-07-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act in
connection with Bodh Gaya P.S. Case No.98 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 4.5 liters of liquor from the house of the
petitioner.

4. 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 the knowledge of the petitioner. It is also submitted that he came to be implicated at the instance of 'Chowkidar' with whom his family is on an inimical term.

5. The learned APP for the State opposes the anticipatory 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.01, Gaya in connection with Bodh Gaya P.S. Case No.98 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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