

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35848 of 2024

Arising Out of PS. Case No.-192 Year-2024 Thana- MANER District- Patna

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Pintu Kumar @ Pintu Kumar Choudhari S/o Ramesh Choudhary R/V- SARAI
MOHALLA , PS - MANER , DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashish Kumar Ranjan

For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-07-2024 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, 2018 in connection with Maner P.S. Case No.192 of 2024.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 53.500 liters of liquor from the house of the petitioner apart from other recoveries as alleged in the FIR.

4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession. It is asserted and submitted relying on para-11 of the anticipatory bail application that the house does not belong to



the petitioner. 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 and he came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that it absolutely does not stand to reason that if the liquor was recovered from the house of the petitioner, then why petitioner came to be implicated based on secret information.

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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Danapur in connection with Maner P.S. Case No.192 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 more than 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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