

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36823 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- BETTIAH CITY District- West
Champaran

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1. JITENDRA RAM @ AVINASH KUMAR @ AVINASH RAM SON OF GOBARDHAN RAM RESIDENT OF VILLAGE - AMBEDAKAR COLONY, BASVRIYA, POLICE STATION - BETTIAH TOWN, DISTRICT - WEST CHAMPARAN
 2. VIJAY RAM @ VIJAY KUMAR SON OF BAGAR RAM RESIDENT OF VILLAGE - AMBEDAKAR COLONY, BASVRIYA, POLICE STATION - BETTIAH TOWN, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap
For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-06-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272, 273, 308 and 34 of the Indian Penal Code read with Sections 30(a), 32, 41(i) and 36 of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of three cases and petitioner no. 2 has antecedent of one case and allegation is of recovery of 10 liters of liquor from the house of Jitendra, 5 liters of liquor from the house of Vijay and 6 liters of liquor from the house of Sushil



Ram.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their 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 next submitted that house, in question, is a joint family property, as such, it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge. It is also submitted that they came to be implicated by the local people but then the name of the people who disclosed the name of the petitioners is not disclosed in the FIR which casts an aspersion on the case of the prosecution.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each 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 Bettiah Town P.S. Case No. 169 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than three cases and petitioner no. 1 has antecedent of more than one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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