

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36440 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- Excise P.S. District- Samastipur

Santosh Yadav @ Santosh Kumar Son of Ramnarayan @ Ram Narayan Roy
R/O Village- Harpur Bhindi, P.S.- Tajpur, Dist.- Samastipur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2024 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 the
Bihar Excise Act.

3) Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 101 liters of liquor from a restaurant.

4) Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and being owner of the
restaurant he has been implicated. 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. It is next submitted that no prudent businessman would use his own premises for committing an occurrence and thus would create evidence against him and hence would get implicated. It is next submitted that the alleged place is a *Dhaba* and it appears that some miscreants on seeing the police fled leaving the liquor of which the petitioner was not aware.

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

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 trial court 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 Samastipur P.S. Case No. 125 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 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 to.

(Satyavrat Verma, J)

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