

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37306 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- GOVINDPUR District- Nawada

1. Pyarelal Yadav @ Ram Pyare Yadav S/O SAHDEO YADAV Resident Of Village- Bhalua, P.S.- Govindpur, District Nawada
2. SULEKHA DEVI W/O PYARELAL YADAV @ RAM PYARE YADAV Resident Of Village- Bhalua, P.S.- Govindpur, District Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Ms.Asha Devi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-06-2024 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 Section 30(a) and 41 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner No. 2 is a woman and allegation is of recovery of 13 litres of liquor from the house of the petitioner.

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 the



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 they came to be implicated at the instance of *Chowkidar* with whom they are on an inimical term, but then it absolutely does not stand to reason that if Chowkidar was aware of the involvement of the petitioners in the occurrence then why he/she did not inform the police prior to institution of the instant FIR which further casts 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. 500/- (Rupees Five Hundred) 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 Govindpur P.S. Case No. 263 of 2023 subject to the conditions as 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 petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that the petitioners have 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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