

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38673 of 2024**

Arising Out of PS. Case No.-21 Year-2024 Thana- MADHEPUR District- Madhubani

Rahul Pasi @ Rahul Kumar Mahto son of Bhaglu Pasi Village-Madhepur
Paschimi, Ps-Madhepur, Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 27-06-2024 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 (Amendment) Act,
2022 Madhepur P.S. Case No.21 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and allegation is of
recovery of 750 ml of liquor from the shop 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 petitioner was completely unaware that staff of the shop misuse the shop in the manner as alleged as no prudent businessman would use his own premises for committing an occurrence and thus would bring disrepute to the business.

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 Judge Excise Act, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No.21 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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