

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37532 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- Patarghat District- Saharsa

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Bipin Kumar @ Bipin Yadav S/o Late Prem Yadav Resident of Village-
Ghoghanpatti, P S- Patarghat, District Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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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 Bihar Prohibition
and Excise Act, 2016.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of recovery of
5 litres of liquor from the house of the petitioner. It is next 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 also submitted that the house in question is a joint family
property as such it cannot be alleged with certainty that it was
petitioner, who had kept the liquor in the house or the liquor kept in
the house was within his knowledge and he came to be implicated at
the instance of local person but then the name of person is not



disclosed in the F.I.R., who disclosed the name of the petitioner, which casts an aspersion on the case of prosecution.

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

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five thousand) 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 Patarghat P.S. Case No.40/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents 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 to.

(Satyavrat Verma, J)

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