

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39214 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- BIRAUL District- Darbhanga

Baiju Yadav @ Baiju Kumar Yadav Son Of Bhulla Yadav Village- Rohar, Ps-
Biraoul, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Prasad Yadav
For the Opposite Party/s : Ms.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-06-2024 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 offences punishable under Section 30(a) of the
Bihar Excise Act.
3. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and allegation is of
recovery of 4.5 litres of liquor from the house of the petitioner.
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 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 house 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 within knowledge of the petitioner and he came to be implicated at the instance of Chowkidar with whom he is on an inimical term. It is also submitted that if the Chowkidar was aware about the involvement of the petitioner, why he did not inform the police prior to institution of the instant 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 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. 5,000/- (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 Biraul P.S. Case No. 95 of 2024 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 petitioner shall verify the



criminal antecedents of the petitioner and in the event if it is found that the 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)

SUMIT/-

U		T	
---	--	---	--

