

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40073 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- DHANSOI District- Buxar

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1. Parashuram Choudhari @ Pashuram Choudhari S/O Shivmuni Choudhari
RESIDENT OF VILLAGE Uttari Diliya Tola, P.S.-Dhansoi, District- Buxar
 2. Suresh Choudhari S/O Shivmuni Choudhari RESIDENT OF VILLAGE
Uttari Diliya Tola, P.S.-Dhansoi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 19-07-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in a case registered for the
offences punishable under Sections 30(a) and 30(c) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioners submits that
petitioners have antecedent of one case.

4. Allegation is of recovery of 130 litres of liquor
from the house of petitioners.

5. Learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their 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 further submitted that the house in question is a joint family property, as such, it cannot be alleged with certainty that it was the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge.

6. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners.

7. Considering the aforesaid submissions, the petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Dhansoi P.S. Case No. 50 of 2024.

(Satyavrat Verma, J)

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