

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38179 of 2024

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

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1. Baleshwar Chaudhari son OF SHIVMUNI CHAUDHARI VILLAGE-UTTARI DILIYA TOLA, PS- DHANSOI, DIST- BUXAR
 2. BIKASH KUMAR @ BIKASH CHAUDHARI SON OF PARSHURAM CHAUDHARI VILLAGE- UTTARI DILIYA TOLA, PS- DHANSOI, DIST- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta

For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-06-2024 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 Sections 30(a) and 30(c) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and allegation is of recovery of 150 liters of liquor from the house of the petitioners.

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 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 even the house, in question, is a joint family property, as such, it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house



was within their knowledge and they came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value.

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. 10,000/- (Rupees Ten Thousand) 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 Dhansoi P.S. Case No. 50 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event if it is found that any of the petitioners have 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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