

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41112 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- RAHIKA District- Madhubani

Ganpati Mandal Son of Thaku Mandal @ Thako Mandal Resident of Village-
Satlakha, P.S- Rahika, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2024 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 Sections 272, 273 and 34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2022 in connection with Rahika P.S. Case No.22 of 2024.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 15 liters of liquor from the house 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 and 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 the knowledge of the petitioner and he came to be implicated based on confessional statement of Kartik in police custody which does not have any evidentiary value.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, II-cum-Special Judge (Excise Act), Madhubani in connection with Rahika P.S. Case No.22 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 even 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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