

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38830 of 2024

Arising Out of PS. Case No.-205 Year-2024 Thana- BUXAR District- Buxar

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Anshu Rajak @Anshu S/O- Karim Rajak R/O Vill.- Sohani Patti Ward No.
20, Buxar, P.S.- Town , Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-06-2024 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 six cases and allegation is of
recovery of 140.72 liters 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
amendment in the Excise Act in year 2018, the concept of



deemed possession and presumed offender has been done away with. It is also submitted that house in question is a joint family property, as such it cannot be alleged with certainty that it was the petitioner who kept the liquor in the house or the liquor kept in the house was within his knowledge and he came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is further submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner taking advantage of antecedent.

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. 30,000/- (Rupees Thirty 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 Buxar(Town)/BXR(T) P.S. Case No. 205 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 petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than six cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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