

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39217 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- MAHARAJGANJ District- Siwan

1. Guddu Chaudhary Son Of Butai Chaudhary Village- Ramapali, Ps- Maharajganj, Dist- Siwan
2. Tinku Chaudhary Son Of Butai Chaudhary Village- Ramapali, Ps- Maharajganj, Dist- Siwan
3. Rajeshewar Chaudhary @ Bhakol Chaudhary Son Of Kishnath Chaudhary Village- Ramapali, Ps- Maharajganj, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-06-2024 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 272 and 273 of the IPC and Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioner Nos. 1 and 2 have antecedent of three cases and petitioner No. 3 has antecedent of one case and allegation is of recovery of 165 litres 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 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 petitioners who had kept the liquor in the house or the liquor kept in the house within knowledge of the petitioners. It is further submitted that they came to be implicated at the instance of local people but then the FIR does not disclose the name of the person who disclosed the name of the petitioners.

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. 15,000/- (Rupees Fifteen 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 Maharajganj P.S. Case No. 311 of 2023 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 petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that the petitioner nos. 1 and 2 have antecedent of more than three cases and petitioner No. 3 has 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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