

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40229 of 2024

Arising Out of PS. Case No.-4 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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Amit Kumar Nayak SON OF Suresh Nayak R/O Village- SaharGhat South
PS- Sahaghat Distt -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Dr. (Mr.) Kumar Uday Pratap, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-07-2024 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 offence punishable under Section 47(a)(f) of the Bihar
Prohibition and Excise Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases.
4. Allegation is of recovery of 15.800 litres of liquor from
the mutton shop of the petitioner.
5. Learned counsel for the petitioner submits 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. It is further submitted
that it appears that customer in order to evade the police kept meager



amount of liquor in the shop without the knowledge of the petitioner. It is next submitted that no prudent businessman would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with G.O. No. 04 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than two cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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