

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39788 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- RAJNAGAR District- Madhubani

Mangal Ray @ Sanjay Ray Son of Vilakshan Ray Resident of Village -
Ekamma, P.S.- Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-07-2024 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 Sections 272, 273 and 34 of the
Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act,
2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of recovery of
1.26 litres of liquor from a motorcycle and 27 litres of liquor from
the house of the petitioner. It is next submitted that petitioner was
not arrested from the spot as such nothing was recovered from his
conscious possession and is not the owner of the seized motorcycle
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 also submitted that 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 his knowledge.

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

5. 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.5000/- (Rupees five 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 Rajnagar P.S. Case No.61/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner 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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