

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39924 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- Bariyarpur District- Muzaffarpur

Chandan Paswan Son of Late Jang Bhaadur Paswan R/O Village- Muriyari,
P.S.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas

For the Opposite Party/s : Mr. Dinesh Singh

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 Sections 272, 273 and 34 of the
Indian Penal Code and Sections 30(a) and 37 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 litre of liquor along with 30 litres mixed toddy from the hut of
petitioner apart from other recovery as detailed in the F.I.R. 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.
It is next submitted that the hut in question does not belong to the



petitioner and he came to be implicated at the instance of chowkidar with whom he is on an inimical term.

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 Bariyarpur P.S. Case No.4/2024, 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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