

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39186 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- KHARIK District- Bhagalpur

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1. Sahant Yadav @ Sahanta Yadav Son Of Late Khelo Yadav Resident Of Village - Bagri, Police Station - Kharik, District - Bhagalpur
 2. Nitish Yadav Son Of Sahant Yadav @ Sahanta Yadav Resident Of Village - Bagri, Police Station - Kharik, District - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 48.75 litres of liquor from the straw house of petitioner no.1. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their 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 also submitted that the straw house is a place outside the house and is accessible to public at large. It is also submitted that it appears that someone inimical to the petitioners planted meager amount of liquor in order to implicate them, when petitioners admittedly are persons with clean antecedent. It is next submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself.

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

5. 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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees five hundred) 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 Kharik P.S. Case No.5798023240061 @ 61 of 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 petitioners shall verify the



criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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