

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39710 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- MUFFASIL District- Aurangabad

Pintu Choudhary @ Pintu Chaudhari, Son of Late Bhola Choudhary R/O Vill-
Ora, P.S.- Aurangabad Mufassil, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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 Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of recovery of
9.18 litres of liquor from the house of the petitioner and 5.08 litres of
liquor from Nepal Yadav. 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 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 and he came to be implicated based on secret information which is the easiest way to implicate someone.

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 Aurangabad Muffasil P.S. Case No.134/2024, 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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