

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40051 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Kishan Kumar @ Krishna Paswan SON OF LATE RAMASHISH PASWAN
VILLAGE- BHARRA, WARD NO. 08, PS- MUFFASIL, DIST-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-06-2024 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 offences punishable under Section 30(a)
of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and
allegation is of recovery of 40 liters of liquor out of which
25 liters and 15 liters of liquor are alleged to have been
recovered from the house of Rajaram Chaudhary and the
petitioner respectively.
4. Learned counsel for the petitioner submits that



the 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 position and presumed offender has been done away with. It is also submitted that 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 within his knowledge.

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

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) 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 Muffasil P.S. Case No. 180 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has 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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