

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39780 of 2024

Arising Out of PS. Case No.-91 Year-2024 Thana- BABUBARHI District- Madhubani

1. Ramchandra Paswan S/o Pulkit Paswan R/o Village-Bausi Kharaura Tol, P.S.-Babubarhi, District - Madhubani
2. Ajay Paswan S/o Ramchandra Paswan R/o Village-Bausi Kharaura Tol, P.S.- Babubarhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-07-2024 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 offences punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
4. Allegation is of recovery of 10 litres of liquor from the courtyard of the petitioners.
5. Learned counsel for the petitioners submits 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 and the courtyard is a place which is accessible to public at large and petitioners came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is next submitted that if the Chawkidar was aware of the involvement of petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

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

7. 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 court below where the case is pending/successor court in connection with Babubarhi P.S. Case No. 91 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting



the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and 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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