

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43763 of 2024

Arising Out of PS. Case No.-347 Year-2024 Thana- AGAMKUAN District- Patna

1. Sudha Kumari W/O Shailesh Kumar, D/O Vijay Kumar R/O Village-Dhamaul, P.S.-Parsa Bazar, Distt-Patna
2. Vikash Kumar S/O Vijay Kumar R/O Village-Dhamaul, P.S.-Parsa Bazar, Distt-Patna
3. Manish Kumar S/O Vijay Kumar R/O Village-Dhamaul, P.S.-Parsa Bazar, Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 03 litres of liquor from the house of Shailesh Kumar, who is husband of petitioner no.1 and brother in-law of petitioner nos.2 and 3.

4. The learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and they, being related to Shailesh Kumar, came to be implicated based on secret information. It is also submitted that after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with and even the house, which is a joint family property and thus, it cannot be alleged with certainty that it was the petitioners, who had kept the liquor in the house or the liquor kept in the house was within their knowledge.

5. Learned A.P.P. opposes the bail application.

6. 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, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court of Excise Patna City, Patna in connection with Agamkuan P. S. Case No.347 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent 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 application shall not be given effect to.

(Satyavrat Verma, J)

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