

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43437 of 2024

Arising Out of PS. Case No.-103 Year-2023 Thana- CHAKAI District- Jamui

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1. Lakshman Hajara @ Laxman Paswan, Son Of Sukdev Hajara Village- Jhagarudih, P.S.- Chakai, Distt.- Jamui
 2. Santosh Kumar @ Santosh Paswan, Son Of Sukhdev Pasawan Village- Jhagarudih, P.S.- Chakai, Distt.- Jamui
 3. Geeta Devi, W/O- Manoj Hajara @ Manoj Paswan Village- Jhagarudih, P.S.- Chakai, Distt.- Jamui

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Raj
For the Opposite Party/s : Ms.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-06-2024 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 Sections 272 and 273 of the I.P.C. and Sections 30(a) and 45 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 02 litres of liquor from the house of the petitioners.
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 after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that even the house, which is a joint family property and thus, 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 his 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 Excise Court-1, Jamui in connection with Chakai P. S. Case No.103 of 2023, 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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