

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43338 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- KHIRHAR District- Madhubani

Rahul Yadav @ Ram Ekbal Yadav S/o Pukar Yadav @ Rampukar Yadav R/o
Ward No. 3, Village Khirhar, P.S.- Khirhar, Distt.-madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act in connection with Khirhar P.S. Case No.43 of 2024.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 45 liters of liquor from the house of the petitioner.

4. 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 the knowledge of the petitioner and he came to be implicated at the local person, but then the name of the local villager who disclosed the name of the petitioner is not disclosed in the FIR, which cast an aspersion on the case of the prosecution.

5. The learned APP for the State opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-Cum-Special Judge, Excise Act, Madhubani in connection with Khirhar P.S. Case No.43 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that 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.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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