

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46064 of 2024

Arising Out of PS. Case No.-613 Year-2024 Thana- PHULWARISHARIF District- Patna

Shivdev Chaudhary @ Sivdev Chaudhary @ Deenghtu S/o Raktu Chaudhari
R/o Nagwan Mushahri Thana, Janipur, P.S. Phulwarisharif, District- Patna,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Danish Sami
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 219-07-2024
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 15 litres of liquor from the house of the petitioner.
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 the amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away



with. It is next 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 within knowledge of the petitioner. It is next submitted that he came to be implicated at the instance of local people, but then the name of the person, who disclosed the name of the petitioner is not disclosed in the FIR, which casts an aspersion on the case of the prosecution, when petitioner admittedly is a person with clean antecedent.

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 Phulwarisharif P.S. Case No. 613 of 2024 subject to the conditions as 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 antecedents of the petitioner and in the event if it is found that the 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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