

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45076 of 2024

Arising Out of PS. Case No.-232 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Binod Kumar Rai s/o Chandradeep Rai R/o Village-Kartaha Jagdishpur,
Kartaha, district-Vaishali, At Present- Village-Adalpur, p.S.-Hajipur Sadar,
District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2024 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 offence punishable under Section 30(a) of Bihar Prohibition
and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 24.960 litres of liquor from the rented house of the
petitioner. It is next submitted that petitioner was not arrested from
the spot as such nothing was recovered from his conscious
possession and even alleged recovery is from a house, which does
not belong to the petitioner rather petitioner is on rent 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 in the rented premises other tenants are also staying but the police in mechanical manner implicated the petitioner at the instance of chowkidar with whom the petitioner is on an inimical term.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 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 Hajipur Sadar P.S. Case No.232/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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 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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