

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46424 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- BIRPUR District- Supaul

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1. Bajrang Rauat @ Bajrang Kumar Son Of Bishundev Raut Resident Of Birpur, I. Type, Ward No. 11, P.S.- Birpur, District- Supaul.
 2. Rajkishor Sah @ Mirchaiya Son Of Late Asharfi Sah Resident Of Birpur, Ward No. 7, P.S.- Birpur, District- Supaul.
 3. Vivek Kumar @ Pappu Sah Son Of Rajkishor Sah @ Mirchaiya Resident Of Birpur, Ward No. 7, P.S.- Birpur, District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioners as well as
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 Bihar Prohibition and Excise Act, 2018 in connection with Birpur P.S. Case No.96 of 2024.

3. The learned counsel for the petitioners submit that petitioner no.1 person with clean antecedent, petitioner no.2 has antecedent of four cases and petitioner no.3 has antecedent of three cases and the allegation is of recovery of 74.775 liters of liquor from courtyard of petitioner no.1.



4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their 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 and the house in question is a joint family property as such 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 the knowledge of the petitioners. It is also submitted that petitioner no.2 and 3 are workers of petitioner no.1 and they came to be implicated based on confessional statement of Hema in police custody, which does not have any evidentiary value though she is sister of petitioner no.1.

5. The learned APP for the State opposes the anticipatory 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 his furnishing bail-bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise



Court No.2, Civil Court, Supaul in connection with Birpur P.S.
Case No.96 of 2024, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

7. However, 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
petitioner no.1 has antecedent of even one case, petitioner no.2
has antecedent of more than four cases and petitioner no.3 has
antecedent of more than three cases, in that event, the present
anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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