

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45749 of 2024

Arising Out of PS. Case No.-536 Year-2018 Thana- RAMKRISHNANAGAR District- Patna

Santosh Kumar S/O Shyam Hari Prasad @ Shyam Hari Mahto R/O
Dhanuktola Khemnichak near Durga Mandir,P.S.-Ramkrishna Nagar, Distt-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd Singh

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-07-2024 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 39 litres of liquor from the 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 after 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 his knowledge and he came to be implicated based on secret information which is the easiest way to implicate someone..

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 Ram Krishna Nagar P.S. Case No.536/2018, 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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