

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45954 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- AGIAON BAZAR District- Bhojpur

1. Binod Musahar @ Vinod Musahar S/O Brahamdev Musahar R/O Village-Pitro,P.S.-Agiaon Bazar, Distt-Bhojpur at Ara
2. Bashisth Musahar @ Bahir Musahar @ Vashisth Musahar S/O Brahamdev Musahar R/O Village-Pitro,P.S.-Agiaon Bazar, Distt-Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 18-07-2024 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 in connection with Agiaon P.S. Case No.66 of 2024.

3. The learned counsel for the petitioners submit that the petitioners have antecedent of one case and allegation is of recovery of 50 liters of liquor from the house of the petitioners.

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. 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 the petitioners who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioners and they came to be implicated based on secret information which is the easiest way to implicate someone.

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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Bhojpur, Ara in connection with Agiaon P.S. Case No.66 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 petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is



found that petitioners have antecedent of more than 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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