

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46684 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- KESARIA District- East Champaran

DEVENDRA SAHANI SON OF DASHRATH SAHANI RESIDENT OF
VILLAGE - CHANDPARSA, P.S.- KESARIYA, DISTRICT - EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-07-2024 1. Heard learned counsel for the petitioner as well as learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 272, 273 of the IPC and 30(a) of the Bihar Prohibition and Excise Act in connection with Kesariya P.S. Case No.72 of 2024.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 15 liters of liquor from hut of the petitioner.
4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and the alleged recovery is from a house and not a hut. It is also submitted that 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 petitioner who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioner and he came to be implicated at the instance of 'Chowkidar' with whom he is on inimical term.

5. The learned APP for the State opposes the anticipatory bail application.

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 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.3, Motihari, East Champaran in connection with Kesariya P.S. Case No.72 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is



found that petitioner has 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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