

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47334 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- RAJGIR District- Nalanda

Ajeet Chaudhary, Son of Bihari Caudhary R/O Vill.- Dhobi Tola, Gulzarbagh,
Rajgir, P.S.- Rajgir, Dist.- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2024 1.Heard learned counsel for the petitioner
and learned APP for the State.

2.The petitioner seeks bail in anticipation
of his arrest in a case registered for the offences
punishable under Section 30(a) of the Excise Act.

3.The learned counsel for the petitioner
submits that the petitioner is a person with clean
antecedent and the allegation is of recovery of 80
litres of liquor from the house of the petitioner and
Ramdeo.

4.The learned counsel for the petitioner
submits that petitioner was not arrested from the
spot, as such, nothing was recovered from his



conscious possession and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is also submitted that even the house, which is a joint family property and thus, it cannot be alleged with certainty that it was the petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge, when admittedly petitioner is a person with clean antecedent.

5. Learned A.P.P. opposes the 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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned 4th Additional District & Sessions Judge-cum- Special Judge, Excise Court-2, Nalanda in connection with



Rajgir P. S. Case No.159 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7.The application stands allowed.

8.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 even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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