

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53817 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

Taragan Chaudhary @ Ajay Kumar @ Ajay Chaudhary S/O Krishna
Chaudhary resident of village- fatehpur, PS- makhdumpur, Distt-Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Neeraj

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-08-2024 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 12 litres of liquor from the brick
house of Gora Chaudhary, 13 litres of liquor from the brick
house of Sahdeo Manjhi and 14 litres of liquor from the brick
house of the petitioner.

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 and even the house, which is a joint family property and thus, 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 and he came to be implicated at the instance of Chaukidar. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar or local person, which cast an aspersion of the case of the prosecution as implication appears to be mechanical, when admittedly petitioner is a person with clean antecedent.

5. Learned A.P.P. 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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Court of Excise-1st, Jehanabad in connection with Makhdumpur P. S. Case No.73 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 order shall not be given effect to.

(Satyavrat Verma, J)

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