

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49239 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- HASANPUR District- Samastipur

Arun Kumar @ Bhim, Son of Arvind Mahto Resident of Vill- Maldah, P.S.-
Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-07-2024 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 has antecedent of two cases and the allegation is of recovery of 3.6 litres of liquor from the 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, 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 and he came to be implicated based on confessional statement of his brother Arjun Kumar in police custody, which does not have any evidentiary value.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise First, Samastipur in connection with Hasanpur P. S. Case No.52 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 more than two cases,
in that event, the present anticipatory bail
application shall not be given effect to.

(Satyavrat Verma, J)

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