

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49608 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- EKMA District- Saran

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1. Ravi Kumar SON OF LATE LAXUMAN CHAUDHARY VILLAGE-PARSA GARH BAZAR, PS- EKMA, DIST- SARAN
 2. BIRENDRA CHAUDHARY SON OF LATE SHYAM BAHADUR CHOUDHARY VILLAGE- PARSA GARH BAZAR, PS- EKMA, DIST- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mili Kumari
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that the petitioners are person with clean antecedent and allegation is of recovery of 12 litres of liquor from the house of Birendra Chaudhary (Petitioner No. 2) and 8 litres of liquor from the house of Ravi Kumar (Petitioner No. 1) apart from other recovery as detailed in the FIR.
4. Learned counsel for the petitioners submits that the



petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and after the amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioners who had kept the liquor in the house or the liquor kept in the house within knowledge of the petitioners.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ekma P.S. Case No. 161 of 2024, subject to the conditions as 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 antecedents of the petitioners and in the event if it is found that the petitioners have 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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