

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54616 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- R S P.S. District- Araria

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1. Vijay Ram S/o Ram Prasad Ram R/o vill - Rahikpur, ward no. 02, P.S.- R.S.
Distt. - Araria
 2. Neelam Devi @ Lilam Devi W/o Vijay Ram R/o vill - Rahikpur, ward no.
02, P.S.- R.S. Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 06-08-2024 1. Heard learned counsel for the petitioners as well
as learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act in
connection with R.S. P.S. Case No.28 of 2024.

3. The learned counsel for the petitioners submit that
the petitioners are person with clean antecedent and petitioner
no.2 is a women and the allegation is of recovery of 10 liters of
liquor from a room inside the house of petitioner no.1.



4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and 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 were the petitioners who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioners and they came to be implicated at the instance of Chowkidar. It is next submitted police in majority of the cases implicates either at the instance of the 'Chowkidar' or local person in a mechanical manner without holding proper inquiry, when petitioners admittedly are persons with clean antecedent.

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

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 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 Exclusive Special Judge Excise,Ist,



Araria in connection with R.S. P.S. Case No.28 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 petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners has antecedent of even 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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