

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52772 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- BARARI District- Katihar

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1. Bablu Kurail @ Santosh Kumar Das Son of Rajendra Kurail @ Rajendra Das R/O Vill.- Kurail Tola Barari, P.s.- Barari, Dist.- Katihar.
 2. Manoj Kurail @ Manoj Kumar Das Son of Rajendra Kurail @ Rajendra Das R/O Vill.- Kurail Tola Barari, P.s.- Barari, Dist.- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 02-08-2024 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 Barari P.S. Case No.113 of 2024.

3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 40 liters of liquor out of which 25 liters of liquor is alleged to have been recovered from the courtyard of Babloo Kurail, petitioner no.1 and 15 liters of liquor from the courtyard of Manoj Kurail, petitioner no.2.

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. It is also submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it was 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 local people. It is also submitted that police in majority of the cases implicates either at the instance of the Chowkidar or local person in a mechanical manner without proper investigation, when petitioners admittedly are a person 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,



Court No.I, Katihar in connection with Barari P.S. Case No.113 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 have 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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