

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53280 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- GOVINDPUR District- Nawada

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Ajay Chaudhary @ Ajay Chaudhari S/o Mathuri Chaudhary @ Mathura
Chaudhary R/o vill - Govindpur Dih, P.S. - Govindpur, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-08-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a)(d)/41 of the Bihar Prohibition and Excise Act in
connection with Govindpur P.S. Case No.94 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of three cases and allegation is of
recovery of 100 liters of liquor along with 1600 liters of
fermented Jawa Mahua from bank of Sakri river.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious



possession and even alleged recovery is from a place which is accessible to public at large and does not belong to the petitioner and he came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is next submitted that after amendment in the Excise Act in the year 2018 the concept of deemed possession and presumed offender has been done away with.

5. The learned APP for the State 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. 15,000 /- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Nawada in connection with Govindpur P.S. Case No.94 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is



found that petitioner has antecedent of more than three cases, 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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