

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53404 of 2024

Arising Out of PS. Case No.-181 Year-2020 Thana- SALIMPUR District- Patna

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Anil Kumar Ray @ Anil Ray Son of Tetar Ray Resident of Village - Gyaspur,
P.S.- Salimpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwa Bijay Kumar

For the Opposite Party/s : Mr. Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-08-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2016.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and allegation is of recovery of
40 litres of liquor from under constructed house of the petitioner. It is
next submitted that petitioner was not arrested from the spot as such
nothing was recovered from his conscious possession and even the
house was under construction, as such, no one was staying. 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. It is also submitted that since the house was under
construction, hence it appears that labourer might have kept the



liquor in the house without the knowledge of the petitioner and as such he came to be implicated at the instance of local villager.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) 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 Salimpur P.S. Case No.181/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents 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 order shall not be given effect to.

(Satyavrat Verma, J)

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