

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53233 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- BELHAR District- Banka

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Mithun Sheikh @ Md. Mithun Sheikh SON OF KARIM SHEIKH
RESIDENT OF VILLAGE -GORGAWAN, PS- BELHAR, DISTRICT-
BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Singh
For the Opposite Party/s : Ms. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-08-2024
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 offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases and allegation is of recovery of 75 liters of liquor from the house of the petitioner along with 300 liters of liquor from a place in front of the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his 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 even the house in question is a joint family property, as such, it cannot be alleged with certainty that it was the petitioner who had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is also submitted that the *Chowkidar* falsely implicated him taking advantage of his antecedents with whom petitioner is on an inimical term.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen 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 Belhar P.S. Case No. 141 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear 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 to.

(Satyavrat Verma, J)

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