

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53728 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- SARAI District- Vaishali

Nageshwar Paswan, Son Of Late Jaylal Paswan @ Late Jaglal Paswan
Village- Mohammadpur Alawpur @ Mohamadabad, Mohamadabad Alawpur,
Ps- Sarai, Dist- Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-09-2024 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the allegation is of recovery of 40 litres of liquor from the house of the petitioner.
4. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is also submitted that even the house, which is a joint family property and thus, 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 and he was implicated in the case by forcefully taking confession of his wife. It is further submitted that petitioner is in custody since 26.06.2024

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No.II- cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with Sarai P. S. Case No.223 of 2023.

7. The application stands allowed.

(Satyavrat Verma, J)

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