

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54915 of 2024

Arising Out of PS. Case No.-412 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

1. Munna Chaudhary @ Sanjeev Kumar Chaudhary Son of Shankar Chaudhary Resident of Village - Jhapaha Dih, P.S.- Ahiyapur, District - Muzaffarpur.
2. Kundan Kumar Son of Madan Sah @ Shiv Madan Sah Resident of Village - Jhapaha Dih, P.S.- Ahiyapur, District - Muzaffarpur.
3. Chandan Kumar @ Chandan Sah Son of Madan Sah @ Shiv Madan Sah Resident of Village - Jhapaha Dih, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur
For the Opposite Party/s : Ms. Asha Devi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.
3. Learned counsel for the petitioners submits that petitioner no.1 and 3 are persons with clean antecedent and petitioner no.2 has antecedent of one case and allegation is of recovery of 25.800 litres of liquor from a hut and a motorcycle. 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 and the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioner no.1, who had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is also submitted that petitioner no.2 and 3 have no concern with the petitioner no.1 and the petitioners are not the owners of the seized motorcycle and they came to be implicated at the instance of chowkidar with whom they are on an inimical term.

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

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five thousand) each 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 Ahiyapur P.S. Case No.412/2024, 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 petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 and 3 have antecedent of even one case and petitioner no.2 has antecedent of more than one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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