

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54944 of 2024

Arising Out of PS. Case No.-1217 Year-2024 Thana- Excise P.S. District- Patna

Mahendra Pd. Singh @ Mahendra Singh Son of Late Raghuvar Singh
Resident of village - Jhaichak, Parsa Bazar, P.S.- Parsa Bazar, District - Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-08-2024 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 Sections 30(a), 56(b) and 32 of the Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.
4. Allegation is of recovery of 20 litres of spirit from an auto along with 24 liters of spirit and 86 liters of homeopathy medicine from the house of the petitioner.
5. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated based on the fact that he is landlord of the alleged premises given on rent to one Dr. Randhir Kumar for running his homeopathy medicine business. It is further 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 next submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated.

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

7. Considering the submissions made by the learned counsel for the petitioner, let 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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Prohibition P.S. Case No. 1217 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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