

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58149 of 2024**

Arising Out of PS. Case No.-98 Year-2024 Thana- SINDHIYA District- Samastipur

Santosh Mukhiya Son of Kalikant Mukhiya R/O Vill.- Pipra, P.S.- Singhiya,
Dist.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 14-08-2024 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, 2018.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 2 litres of liquor from the shop 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 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 no prudent person would use his own shop for committing an occurrence and thus would create evidence against himself and hence would get implicated and at the same time would



bring disrepute to the business. It is also submitted that it appears that some customers on seeing the police fled leaving the liquor in the shop.

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.500/- (Rupees five hundred) 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 Singhiya P.S. Case No.98/2024, 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 petitioner shall verify the criminal antecedents of the petitioner and in the event 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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