

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57839 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- GHATHO District- Samastipur

Deepak Paswan S/o- Ram Preet Paswan Village- Musapur Ps- Ghato Dist-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-08-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act in
connection with Ghatho P.S. Case No.33 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 05 liters of liquor from a motorcycle parked in
courtyard of straw and asbestos house of Govind Paswan and
petitioner along with other recoveries as alleged in the FIR.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession. It is further submitted that the house in question is a



joint family property 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 since the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioner who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioner and he came to be implicated based on the fact that he is owner of the seized motorcycle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioner was completely unaware that his friend would misuse the vehicle in the manner as alleged, when petitioner admittedly is a person with clean antecedent.

5. The learned APP for the State opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 500 /- (Rupees Five Hundred) with two sureties of the like amount each to the



satisfaction of the learned Special Judge, Excise-I, Samastipur in connection with Ghatho P.S. Case No.33 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that 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 even one case, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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