

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57495 of 2024

Arising Out of PS. Case No.-156 Year-2024 Thana- CHIRAIYA District- East Champaran

Pachu Sah, S/O Ramchandra Sah R/O Village- Kohbarba, P.S-
Shikarganj/Dhaka, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari

For the Opposite Party/s : Ms.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-08-2024 1.Heard learned counsel for the petitioner
and 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 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 06 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 and 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. It is also submitted that he came to be implicated at the instance of Chaukidar with whom he is on an inimical term.

5.Learned A.P.P. 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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of Sri Brajesh Kumar, the learned Exclusive Special Excise Court No.3, East Champaran, Motihari in



connection with Chiraiya (Shikarganj) P. S. Case No.156 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7.The application stands allowed.

8.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 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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