

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59027 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- GHATHO District- Samastipur

1. Rekha Devi, Wife of Shiv Chandra Sahni R/O Village- Jagdishpur, P.S.- Ghataho, Dist.- Samastipur
2. Shiv Chandra Sahni, Son of Rupalal Sahni @ Rupal Sahni R/O Village- Jagdishpur, P.S.- Ghataho, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-08-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.1 is a woman and allegation is of recovery of 06 litres of liquor from the husk house of petitioners.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even husk house



is a place, which is outside the house, and is accessible to villagers at large. It is next submitted that after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is also submitted that someone inimical to the petitioner planted meager amount of liquor to implicate them and they came to be implicated based on secret information, which is the easiest way to implicate someone. It is also submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated.

5. Learned A.P.P. opposes the anticipatory bail application.

6. 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, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise)-01, Samastipur in connection with Ghataho P. S. Case No.29 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 petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have 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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