

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63076 of 2024

Arising Out of PS. Case No.-278 Year-2024 Thana- Excise P.S. District- Siwan

Chhathu Sah Son of Sitaram Sah Resident of Village- Lakadi, Nabiganj, PS-
Barharea, Dist -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-09-2024 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 Section 30(a) of the
Bihar Excise Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and allegation is of
recovery of 108 liters of liquor from courtyard of the petitioner.
4. 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 in the year 2018, the concept of deemed
possession and presumed offender has been done away with and
the house is a joint family property, as such, 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 and he came to be implicated at the instance of local villager, but then it is submitted that in majority of the cases police implicates accused persons either at the instance of *Chowkidar*, local person, secret information or confessional statement in a mechanical manner without holding a proper investigation.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) 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 Excise Siwan P.S. Case No. 278 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear 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 four cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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