

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59262 of 2024

Arising Out of PS. Case No.-224 Year-2020 Thana- Excise P.S. District- Samastipur

Sanjiv Choudhary Son of Ramjatan Chaudhary Resident of Village - Rahtauli,
Ward No.- 06, P.S.- Hathouri, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan
For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-08-2024 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 Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 0.555 litres of liquor from courtyard of the house 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 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 his knowledge.

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 Excise Case No.224/2020, 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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