

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60415 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Anil Ray @ Anil Kumar Son of Late Madhukar Ray Resident of Village
-Jitwarpur Chauth, PS -Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy
For the Opposite Party/s : Ms. Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-08-2024 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 Sections 341, 323,
307, 353/34 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 30 litres of liquor from 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 and he came to be implicated at the instance of chowkidar but then it absolutely does not stand to reason that how chowkidar identified the petitioner when he is not known to him.

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 Samastipur Muffasil P.S. Case No.231/2024, 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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