

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62399 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- UJIYARPUR District- Samastipur

Rajan Paswan Son of Vishwanath Paswan R/o Village- Pachpaika, Ward No.01, P.S.- Ujyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 02-09-2024 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 Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 6 liters of liquor from the house of petitioner.

4. 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 and the house in question is a joint family property, as such it cannot alleged with certainty that it was petitioner who had kept the iquor 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 people but then the name of the local person, who disclosed the name of the petitioner is not disclosed in the FIR, which casts an aspersion on the case of the prosecution.

5. The learned APP for the State 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 the learned Exclusive Special Judge, Excise-1, Samastipur in connection with Ujiarpur P.S. Case No. 175 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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