

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63644 of 2024

Arising Out of PS. Case No.-102 Year-2024 Thana- HARSIDHI District- East Champaran

Devendra Sahani son of Ramashray Sahani @ Ramashray Sahni Resident of
Village- Damobriti, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Ms.Asha Devi

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 the
petitioner is a person with clean antecedent and allegation is of
recovery of 20 litres of liquor from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and after the
amendment in the Excise Act in the year 2018, the concept of
deemed possession and presumed offender has been done away
with. It is next 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 within knowledge of the petitioner. It is next submitted that he came to be implicated at the instance of Chowkidar with whom he is on an inimical term.

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. 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 Harsidhi P.S. Case No. 102 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 the petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given



effect to.

8. Today 40 cases relating to excise were taken up. In 40 cases there were 47 petitioners out of which 22 petitioners were persons with clean antecedent, further in 18 cases the recovery is less than 30 liters of liquor, further in few cases the recovery was in between 01 liter to 10 liters as such the total amount of liquor alleged to have been seized is 5806.505 liters of liquor along with 750 litres of jawa mahua and 100 kg of mahua flower.

(Satyavrat Verma, J)

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