

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62929 of 2024

Arising Out of PS. Case No.-203 Year-2024 Thana- MINAPUR District- Muzaffarpur

1. Ram Shresth Rai @ Ram Shreshth Ray @ Ram Sresth Rai S/o Late Raghunath Ray
2. Jai Babu Rai @ Jai Kishore Kumar S/o Late Raghunath Ray
Both R/o vill - Turki Khararu Tole Tedha, ward no. 11, P.s. - Minapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-09-2024 1. Heard learned counsel for the petitioners as well as learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act and Sections 272, 273 and 34 of the IPC in connection with Minapur P.S. Case No.203 of 2024.
3. The learned counsel for the petitioners submit that the petitioner no.1 has antecedent of three cases and petitioner no.2 has antecedent of two cases and 20 liters of liquor is alleged to have been recovered from the poultry farm of Ram Shresth Rai, 20 liters of liquor from poultry farm of Jai Babu Rai, 04 liters of liquor from poultry farm of Vijay Rai and 50



liters of liquor from poultry farm of Amod Rai.

4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their 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 no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated and at the same time will bring disrepute to his business. It is also submitted that the liquor was recovered from a place adjacent to the poultry farm and not from the poultry farm, but then at the instance of Chowkidar the police in a mechanical manner implicated the petitioners.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court Excise-I,



Muzaffarpur in connection with Minapur P.S. Case No.203 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than three cases and petitioner no.2 has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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