

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66261 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Bindu Kumar @ Arvind Mahto Son of Ramshray Mahto Resident of Village-
Mokhtoyarpur Salkhnni, Ward No. 03, P.S.- Dalsingh Sarai, Distt.-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 12-09-2024 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
Section 30(a) of the Bihar Prohibition and Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and allegation is of
recovery of 14.22 liters of liquor from a toilet built on the side
of courtyard of the petitioner.
4. It is next submitted that the petitioner was not
arrested from the spot and 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 be alleged with certainty that it was petitioner, who had kept the liquor in the toilet was within his knowledge and he came to be implicated at the instance of *Chowkidar* with who he is on an inimical term.

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 Court of Exclusive Special Court Excise 1, Samastipur in connection with Dalsingh Sarai P.S. Case No. 107 of 2024, subject to the conditions 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 antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than one cases, in



that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

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