

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63929 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- GHATHO District- Samastipur

Govind Paswan, S/o Ram Prit Paswan @ Rampreet Paswan R/o Village -
Musapur P. S. - Ghatho Dist. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy

For the Opposite Party/s : Ms.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in a case registered for the
offences punishable under Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and allegation is of
recovery of 35 litres of liquor as detailed in the FIR out of
which, 20 litres of liquor is alleged to have been recovered from
the house of petitioner.
4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and after Amendment
in the Excise Act, 2018, the concept of deemed possession and
presumed offender has been done away with and even the



house, which is a joint family property and thus, it cannot be alleged with certainty that it was the petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge and is in custody since 21.07.2024.

5. Learned A.P.P. opposes the bail application.

6. Considering the fact , the petitioner, above-named, 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 Sri Basant Kumar, learned Exclusive Special Judge Excise-1, Samastipur in connection with Ghatho P. S. Case No.33 of 2024.

7. The application stands allowed.

(Satyavrat Verma, J)

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