

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71452 of 2023

Arising Out of PS. Case No.-868 Year-2023 Thana- DANAPUR District- Patna

Shivendra Kumar, Son Of Late Haridwar Sharma Mohalla- Lal Kothi Near
Masjid Danapur Ps- Danapur Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The SHO Danapur PS Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jharkhandi Upadhyay
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 05-04-2024 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) and 41 of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and is owner of
Manju Ultrasound and the allegation is of recovery of 1.440 litre
of liquor from the premises.
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. It is also submitted that no prudent person would use his own premise for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is also submitted that it appears that some staffs of Manju Ultrasound for their personal consumption might have kept the liquor, for which the petitioner cannot be held accountable or responsible. It is next submitted that petitioner would never indulge in an act which would bring disrepute to his business.

5. Learned A.P.P. opposes the 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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Danapur, Patna in connection with Danapur P. S. Case No.868 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. 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 even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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