

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64975 of 2024

Arising Out of PS. Case No.-628 Year-2024 Thana- Excise P.S. District- Lakhisarai

Chandan Kumar Son of Bhaso Chaudhary Resident of Village- Nayatola Ward
No. 9, P.S. Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaukat Alam, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-09-2024 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 offence punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that petitioner
has antecedent of one case.
4. Allegation is of recovery of 26.845 litres of liquor from
the house of the petitioner.
5. 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 in the year
2018, the concept of deemed possession and presumed offender has
been done away with. It is further submitted that the house in question
is a joint family property, as such, 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. It is next submitted that petitioner came to be implicated based on the confessional statement of co-accused, namely, Sonu Kumar in police custody which does not have any evidentiary value in the eye of law.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise P.S. Case No. 628c2 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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