

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72116 of 2024

Arising Out of PS. Case No.-409 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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Vinod Nut @ Vinod Singh @ Vinod Khalifa S/o Late Sukul Nut @ Shukul
Singh Resident of village - Bhawanipur (Metwa Ram Tola), Police Station
-Sangrampur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Ms. Asha Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-10-2024 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 offences punishable under Sections 30(a), 32
and 41(i) of the Bihar Prohibition and Excise (Amendment) Act,
2022.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. Allegation is of recovery of 4 litres of liquor from
the hut of the petitioner and 4 litres of liquor from the hut of
Dhanesh Paswan.

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 even the alleged



recovery is not from a hut but from a house but then it is submitted that 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 at the instance of the local villagers but then the name of the villager who disclosed the name of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution, when petitioner admittedly is a person with clean antecedent.

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.500/- (Rupees Five Hundred) 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 Sangrampur P.S.
Case No. 409 of 2023, 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 even one case in that event the present
anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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