

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66307 of 2024

Arising Out of PS. Case No.-335 Year-2024 Thana- BARACHATTI District- Gaya

Sama Chaudhary Son of Late Manu Chaudhary Resident of Village - Lahuari,
P.S. - Barachatti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Mr. Sucheta Yadav

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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.
3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 5 liters of liquor from the house of the petitioner.
4. It is next submitted that 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 liquor in the house or the liquor kept in the house was within his knowledge and he came to be implicated at the instance of local villagers but then it is submitted police in majority of the case implicates mechanically and at the instance of *Chowkidar*, local people, confessional statement, and secret information without holding a proper investigation.

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. 500 /- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. V, Gaya in connection with Barachatti P.S. Case No. 335 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 even one case, in that event, the present anticipatory bail order shall not be given effect.

8. **The application stands allowed.**

(Satyavrat Verma, J.)

Sudhanshu/-

U		T	
---	--	---	--

