

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66827 of 2024**

Arising Out of PS. Case No.-212 Year-2024 Thana- NASRIGANJ District- Rohtas

Dhananjay Kumar @ Dhananjay Chaudhary @ Chhinmata Son of
Dhaneshwar Choudhary Resident of Village - Ward No. 14, Nasriganj, Police
Station - Nasriganj, District - Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh
For the Opposite Party/s : Mr. Uday Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 13-09-2024 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 offences punishable under Section 30(a) of the
Bihar Excise Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 55 liters of liquor from hut of petitioner and 45 liters
of liquor from field of Sanjay Chaudhary.
4. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and he has no concern
with Sanjay Chaudhary and the alleged recovery is not from a



hut, but from a house, but then after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and even the house 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 he came to be implicated at the instance of *Chowkidar*, but then it is submitted that police in majority of the cases implicates accused persons either at the instance of *Chowkidar*, local person, secret information or confessional statement in a mechanical manner without holding a proper investigation.

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

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 trial court 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 trial court where the case is pending/successor court in connection with Nasriganj P.S. Case



No. 212 of 2024 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

7. However, 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 to.

(Satyavrat Verma, J)

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