

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66334 of 2024

Arising Out of PS. Case No.-207 Year-2024 Thana- BARBIGHA District- Sheikhpura

Gadho Chaudhary son of Late Baudhu Chaudhary Resident of Village
-Narayanpur Police Station -Barbigha and District -Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

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 offences punishable under
Sections 30(a) and 30(c) of the Bihar Prohibition and Excise
Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of five cases and allegation is of
recovery of 13 liters of liquor from the house of the petitioner.

4. It is next submitted that the petitioner was not
arrested from the spot and as such nothing was recovered from
his conscious possession and even the house was in an
abandoned condition where nobody resides but then it is a joint
family property. It is also 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 the abandoned house is also a joint family property and as such it cannot be alleged with certainty that it was the petitioner who had kept liquor in the house or the liquor kept in the house was well within his knowledge and he came to be implicated at the instance of *Chowkidar*. It is further submitted that once an accused is implicated in a case relating to Excise, the police starts implicating mechanically 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. 25,000 /- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Sheikhpura in connection with Barbigha P.S. Case No. 207 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 more than five cases, in that event, the present anticipatory bail order shall not be given effect.

8. **The application stands allowed.**

(Satyavrat Verma, J.)

Sudhanshu/-

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