

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68562 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- ASHOK PAPER MILL District-
Darbhanga

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Jitendra Kumar Sahni @ Jitendra Sahni S/o Late Chunchun Sahni R/o
Village- Malhipatti, Bahadurpur, P.S.- Ashok Paper Mill (A.P.M.), Dist.-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad
For the Opposite Party/s : Mr. Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-10-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of Bihar Prohibition and
Excise Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and allegation is of
recovery of 1188.750 litres of liquor from the house of
petitioner. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and he came to be implicated based confessional
statement of his wife in police custody, which does not have any
evidentiary value. 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. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically. It is also submitted that petitioner is in custody since 08.08.2024.

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

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) 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 Ashok Paper Mill (A.P.M.) P.S. Case No.116/2024.

(Satyavrat Verma, J)

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