

Arising Out of PS. Case No.-232 Year-2024 Thana- Excise P.S. District- Khagaria

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr.Santosh Kumar Singh
For the Opposite Party/s : Ms.Meena Singh

2 21-09-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of one case and the allegation is of recovery of 119.25 litres of liquor from a house made of scrap and asbestos.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and after Amendment



in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret informant and confessional statement in a mechanical manner without holding proper investigation. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge-2nd, Khagaria in connection with Excise Case No.1039c3 of 2024 arising out of Excise P. S. Case No.232 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before



accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of more than one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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