

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71322 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- GHOSI District- Jehanabad

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1. Surendra Vind
 2. Sanjeet Vind
Both Sons of Lakhan Vind Resident of Village - Khirautigarh, Police Station
- Ghoshi, District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-10-2024 1. Heard learned counsel for the petitioners as well as
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 Bihar Prohibition and Excise Act in
connection with Ghoshi P.S. Case No.302 of 2023.

3. The learned counsel for the petitioners submit that
the petitioner no.1 has antecedent of two cases and petitioner
no.2 has antecedent of one case and allegation is recovery of 08
liters of liquor from hut of Surendra Bind and 07 liters of liquor
from hut of Sanjeet Bind.

4. It is next submitted that petitioners were not
arrested from the spot as such nothing was recovered from their



conscious possession and the alleged recovery is not from a hut, but from a house, but then it is 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 and the house in question is a joint family property as such it cannot be alleged with certainty that it were petitioners who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioners and they came to be implicated at the instance of 'Chowkidar' with whom they are on inimical term.

5. The learned APP for the State 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 his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court Ist, Jehanabad in connection with Ghoshi P.S. Case No.302 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, 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 petitioner no.1 has antecedent of more than two cases and petitioner no.2 has antecedent of more than one case, in that event, the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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