

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73480 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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DUKHAN PASWAN SON OF LATE KALO PASWAN RESIDENT OF
VILLAGE - BOCHAHA BAHAPAR, POLICE STATION - MOHIUDDIN
NAGAR, DISTRICT - SAMSTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 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 Sections 272 and
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case.

4. Allegation is of total recovery of 24.500 litres of
liquor from the courtyard of the petitioner.

5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is further submitted
that after the amendment in the Excise Law in the year 2018, the



concept of deemed possession and presumed offender has been done away with. It is next submitted that petitioner came to be implicated by the Chawkidar with whom he is on an inimical term. It is also submitted that if the Chawkidar was aware that petitioner had kept the liquor in the house then why he did not inform the police earlier which further casts as aspersion on the case of the prosecution.

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

7. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mohiuddin Nagar P.S. Case No. 229 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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