

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73094 of 2024

Arising Out of PS. Case No.-184 Year-2024 Thana- BIHAR District- Nalanda

1. Ravi kumar
2. Vikash Kumar
3. Tinku @ Rinku Kumar @ Rinkku
4. Vikki Kumar
5. Vishal Kumar
All s/o Doman Sonar, Resident of village- Alinagar, Police Station-
Biharsharif, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-10-2024
1. The learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no.3, Tinku @ Rinku Kumar @ Rinkku.
 2. Permission is accorded.
 3. Accordingly, the anticipatory bail application is dismissed as withdrawn as against petitioner no.1.
 4. Heard learned counsel for the petitioners as well as learned APP for the State.
 5. 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 Bihar P.S. Case No.184 of 2024.



6. The learned counsel for the petitioners submit that the petitioners have antecedent of one case and the allegation is of recovery of 10.5 liters of liquor from house of Vikki Kumar, petitioner no.4.

7. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and 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 the 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 based on secret information, which is the easiest way to implicate someone.

8. The learned APP for the State opposes the anticipatory bail application.

9. 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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned Special Judge Excise, Nalanda in connection with Bihar P.S. Case No.184 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10.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.

11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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