

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72033 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- BABUBARHI District- Madhubani

1. Rajdeo Paswan Son Of Kisan Paswan @ Ram Pujan Paswan Resident Of Village- Bausi, Ps- Babubarhi, Distt- Madhubani
2. Rajeshwar Paswan Son Of Late Shivnath Paswan Resident Of Village- Bausi, Ps- Babubarhi, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-02-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272, 273 and 34 of the IPC and Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are person with clean antecedent and allegation is of recovery of 8 litres of liquor from the house of petitioner No. 1 and 10 litres of liquor from the house of petitioner No. 2.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession. It is also submitted the house in question is a joint family property as such it cannot be



alleged with certainty that it was the petitioners who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioners. It is further submitted that after 2018 amendment in the Excise Act, the concept of deemed possession and presumed offender has been done away with.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) each 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 Babubarhi P.S. Case No. 221 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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