

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72207 of 2023**

Arising Out of PS. Case No.-275 Year-2023 Thana- DARAUNDA District- Siwan

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SRI BHAGWAN PASI @ SRI BHAGWAN CHAUDHARY @ BHAGVAN  
PASI Son of Late Jaglal Chaudhary Resident of Village - Bagaura Pasi Tola,  
P.S.- Daraunda, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Ramesh Chandra

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 3      19-02-2024                      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 Section 30(a) of the  
Bihar Excise Act.
3. Learned counsel for the petitioner submits that the  
petitioner has antecedent of one case and allegation is of  
recovery of 190 liters of liquor from the house of the petitioner.
4. Learned counsel for the petitioner submits that the  
petitioner was not arrested from the spot as such nothing was  
recovered from his conscious possession. It is also submitted  
that the house in question is a joint family property, as such, it  
cannot be alleged with certainty that it was the petitioner who



had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is further submitted that after the amendment of the Excise Act in the year 2018, 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 petitioner.

6. 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 trial court 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 trial court where the case is pending/successor court in connection with Daraunda P.S. Case No. 275 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

Rishabh/-

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