

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77105 of 2023

Arising Out of PS. Case No.-380 Year-2023 Thana- RAMGARHWA District- East
Champaran

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Bittu Singh Son Of Late Raghavsharan Singh Resident Of Village -
Mangalpur, Ps- Ramgarhwa, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Section
272, 273 of the Indian Penal Code and sections 30(a), 41 of the
Excise Act.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of one case and the allegation is of
recovery of 15.3 litres of liquor from the house of the petitioner.
It is next submitted that petitioner was not arrested from the
spot, as such, nothing was recovered from his conscious
possession and even the house is joint family property and as
such, it cannot be alleged with certainty that it was petitioner
who had kept the liquor in the house or the liquor kept in the



house was within the knowledge of the petitioner. It is further 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.

4. Learned A.P.P. opposes the bail application.

5. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No. 03, East Champaran at Motihari in connection with Ramgarhwa P.S. Case No. 380 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

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