

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73164 of 2023

Arising Out of PS. Case No.-437 Year-2023 Thana- BAHADURPUR District- Darbhanga

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SANJAY MAHTO @ GUDDU SON OF LATE RAJENDRA MAHTO
RESIDENT OF VILLAGE - BAJITPUR, CHIPALIYA, PS- BAHADUPUR,
DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kanchan Jha

For the Opposite Party/s : Mr. Ashok Kumar Singh

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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 connection with Bahadurpur P.S. Case No.437/2023 dated 29.08.2023, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 38.520 litres of liquor from the house of petitioner. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession. It is also 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. 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 petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge.

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

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-I (Excise Act), Darbhanga in connection with Bahadurpur P.S. Case No.437/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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