

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79573 of 2024**

Arising Out of PS. Case No.-429 Year-2024 Thana- BIDUPUR District- Vaishali

Vikash Kumar Son of Jitendra Chaurasiya R/o Village - Kanchanpur P.S  
-Bidupur District -Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

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

2      06-12-2024                      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 offence punishable under Section 30(a) of the  
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that  
petitioner has antecedent of one case.

4. Allegation is of recovery of 34.5 litres of liquor  
from the house of the petitioner, 24 litres of liquor from a car  
and 64.363 litres of liquor from the house of Mohan Kumar.

5. Learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was  
recovered from his conscious possession and is not the owner of  
the seized vehicle. 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. It is next 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 also submitted that petitioner came to be implicated based on the confessional statement of co-accused, namely, Dharamnath Kumar in police custody which does not have any evidentiary value in the eye of law with whom petitioner has no relationship.

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

7. Considering the submissions made by the learned counsel for the petitioner, let 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.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bidupur P.S. Case No. 429 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting



the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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