

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80632 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- BHAGWANPUR District- Begusarai

LAXMI MAHTO Son of Kalpu Mahto @ Kapildev Mahto Resident of
Village - Tikapur, P.S.- Bhagwanpur, District - Begusarai, Parmanent address
is Village - Pakri (Pakdi), P.S.- Birpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-02-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bhagwanpur P.S. Case No.244/2023 registered for the
offence punishable under Section 30(a) of Bihar Prohibition and
Excise Amendment Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of
recovery of 10 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. 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. 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 next submitted that the petitioner came to be implicated based on secret information which is the easiest way to implicate someone.

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 Excise Special Judge-I, Begusarai in connection with Bhagwanpur P.S. Case No.244/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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