

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84422 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- TISIAUTA District- Vaishali

Hritik Kumar @ Ritik Kumar Son of Raj Kumar Sahni R/o vill - Dabhhaich
Tola, P.S. - Tisiauta, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-04-2024 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
Bihar Prohibition and Excise Amendment Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 3.780 litres of liquor from the hut 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 the alleged recovery is not from a hut but from the house,
which 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 next 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 police in mechanical manner implicates at the instance of local people but then it absolutely does not stand to reason that if the local person was aware that the petitioner was involved in the occurrence then why he did not inform the police prior to institution of the instant F.I.R., which casts an aspersion on the case of the prosecution.

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.500/- (Rupees five hundred) 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 Tisiauta P.S. Case No.71/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before



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

(Satyavrat Verma, J)

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