

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85427 of 2024

Arising Out of PS. Case No.-281 Year-2021 Thana- NADI P.S. District- Patna

Loknath Ray S/o Late Samprit Ray Resident of village- Jethuli PS- Nadi Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 30(a), 34, 36, 41, 44 of Bihar
Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is in custody
since 14.11.2024 and allegation is of recovery of 100 litres of
spirit and empty bottles from the brick hut of Bhuneshwar Ray
along with 50 litres of spirit and empty bottles and 66.375 litres
of liquor from Rajiv Kumar's brick hut and 84.75 litres of liquor
along with 40 litres of spirit 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 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 and 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 prayer for bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on 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 trial court where the case is pending/successor court in connection with Nadi P.S. Case No.281/2021.

(Satyavrat Verma, J)

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