

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4730 of 2025

Arising Out of PS. Case No.-409 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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Binod Nut @ Vinod Nut @ Vinod Khalifa Son of Late Shukul Nut @ Late
Sukul Nut Resident of Village - Bhawanipur Matwa Ram Tola, P.S. -
Sangrampur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari
For the Opposite Party/s : Mr. Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-02-2025 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
offences punishable under Sections 30(a), 32 and 41(1) of the
Bihar Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of recovery
of 4 litres of liquor from the hut of the petitioner and 4 liters of
liquor from the hut of Dhanesh Paswan.

4. Learned counsel for the petitioner submits that
petitioner was not apprehended from the spot as such nothing was
recovered from his conscious possession and even the alleged
recovery is not from a hut but from a house, but then it is
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 even 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 at the instance of local villager but then the name of the villager who disclosed the name of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution. It is next submitted that petitioner is in custody since 23.09.2024.

5. Learned A.P.P. for the State opposes the prayer for regular bail of the petitioner.

6. 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. 10,000/- (Rupees Ten 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 Sangrampur P.S. Case No. 409 of 2023.

(Satyavrat Verma, J)

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