

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12183 of 2025

Arising Out of PS. Case No.-151 Year-2023 Thana- GHOSI District- Jehanabad

Kunal Kumar, Son of Late Vijay Sharma Resident of Village- Haridashpur,
P.S. Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Ms. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-03-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and had earlier
moved this Court seeking anticipatory bail by filing Cr. Misc.
No.61916 of 2024 and the same was allowed by an order dated
28.08.2024, but since petitioner could not surrender within the
time stipulated in the order dated 28.08.2024 in Cr. Misc.
No.61916 of 2024, as such, the petitioner filed a modification
application being Cr. Misc. No.88525 of 2024 seeking
modification of the order dated 28.08.2024 in Cr. Misc.



No.61916 of 2024. It is further submitted that Cr. Misc. No.88525 of 2024 was taken up on 20.12.2024, when petitioner was granted the liberty to file anticipatory bail application afresh, as such, the instant anticipatory bail application has been filed. It is next submitted that allegation is of recovery of 9.750 litres of liquor from the house of the petitioner.

4. The learned counsel for the petitioner submits that petitioner is an Army Personnel and even the house is a joint family property and thus, 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 and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with.

5. Learned A.P.P. opposes the anticipatory bail application.

6. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-1st, Jehanabad



in connection with Ghoshi P. S. Case No.151 of 2023, subject to
the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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