

Arising Out of PS. Case No.-486 Year-2024 Thana- JANDAHA District- Vaishali

Arising Out of PS. Case No.-486 Year-2024 Thana- JANDAHA District- Vaishali

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Anish Kumar- Advocate

For the Opposite Party/s : **Mr. Chandra Bhushan Prasad- A.P.P.**

ORAL ORDER

2 28-03-2025

1. Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(d)/33 of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of two cases and the allegation is of recovery of 1000 litres of spirit from a pick up van.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owner



of the seized vehicle and they came to be implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value. It is also submitted that 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. Sri Chandra Bhushan Prasad opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1-cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with Jandaha P. S. Case No.486 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall



verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than one case and petitioner no.2 has antecedent of more than two cases, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner no.1 has antecedent of only one case and petitioner no.2 has antecedent of only two cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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