

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14576 of 2025

Arising Out of PS. Case No.-520 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Akhilesh Kumar @ Akhilesh Sah Son of Pramod Sah Resident of Ward No. 3,
Yogiya Math, Adharpur urf Chak Nizamat, P.S.- Karpoorigram, District-
Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yash Sahay, Advocate Mr. Keshav Bhardwaj, Advocate
For the Opposite Party/s :		Mr. Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-04-2025 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 the
Bihar Prohibition and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case.
4. Allegation is of recovery of 13.125 litres of liquor
from the house of the petitioner.
5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and 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 further submitted that 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 next submitted that from perusal of the FIR, it would manifest that the date of occurrence is 13.07.2022 and the FIR has been instituted on 13.11.2022 which casts an aspersion on the case of the prosecution. It is also submitted that petitioner came to be implicated at the instance of the Chawkidar and local people. It is submitted that the police in excise cases implicate mechanically without holding a proper investigation either at the instance of the Chawkidar, local persons, confessional statement or secret information.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let 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 provisional anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like



amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Samastipur Mufassil P.S. Case No. 520 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than one case in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner has antecedent of only one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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