

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83595 of 2024

Arising Out of PS. Case No.-279 Year-2022 Thana- SARAIYA District- Muzaffarpur

Munna Kumar @ Munn Rai @ Munna Rai S/o Late Sogarath Rai Resident of
Village - Khajauli PS - Lalganj, Dist. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-04-2025 1. Heard learned counsel for the petitioner and Mr. Rabindra Kumar, learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases.
4. Allegation is of recovery of 21 litres of liquor from a place near a Thawa Temple.
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 even the alleged recovery is from a place which does not belong to the petitioner and he came to be implicated based on the confessional



statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law. It is further 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.

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.10,000/- (Rupees Ten 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 Saraiya P.S. Case No. 279 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 two cases 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 two cases in that event the provisional
anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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