

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89275 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- BAUNSI District- Araria

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Dhena Murmu @ Dena Murmu Son of Late Lakhan Murmu@ Late Lakan Murmu R/o village-Gunwanti Tola, Rajbaili ward no. 10, P.S.-Baunsi, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha

For the Opposite Party/s : Mr. Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 31-01-2025 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 Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases and is in custody since 14.08.2024 and allegation is of recovery of 80 litres of liquor along with 1000 liters raw liquor from the place of occurrence i.e. courtyard of the petitioner.
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 after



amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and the house 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 he came to be implicated based on secret information which is the easiest way to implicate someone.

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, 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 court below where the case is pending/successor court in connection with Baunsi (Bausi) P.S. Case No. 88 of 2024.

(Satyavrat Verma, J)

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