

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82569 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- BAUNSI District- Araria

=====

Dhena Murmu @ Dena Murmu, S/O 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

=====

Appearance :

For the Petitioner/s : Mr. Madhav Jha

For the Opposite Party/s : Ms. Pronoti Singh

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-02-2025 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Section 30(a) of the Indian Penal Code.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of three cases and is in custody since 14.08.2024 and allegation is of recovery of 160 litres of liquor from courtyard of the house of the petitioner and 20 litres of liquor from the house of one Janki Devi.
4. The 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, 2018, the concept of deemed possession and presumed offender has been done away with and even the house, which 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.

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

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Araria in connection with Baunsi (Bousi) P. S. Case No.75 of 2024.

7. The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

