

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86137 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- RAJNAGAR District- Madhubani

Bhikhari Giri S/O Ramchandra Giri R/O Vill.- Sugauna, Chataila Dih
Mushari, P.S- Rajnagar, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-01-2025 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 offences punishable under Sections 272 and
273/34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. Allegation is of recovery of 11 litres of liquor from
a place near the pond and 7 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. It is further submitted
that the alleged recovery of 11 litres of liquor is from a place



which does not belong to the petitioner and is accessible to public at large and with respect to recovery of 7 litres of liquor. it is 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 and 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 petitioner came to be implicated at the instance of local persons but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution.

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 anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) 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 Rajnagar P.S. Case



No. 69 of 2024, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting
the bail bonds of the petitioner, shall verify the criminal
antecedent of the petitioner and if it is found that petitioner has
antecedent of even one case in that event the present
anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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