

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88031 of 2024

Arising Out of PS. Case No.-136 Year-2021 Thana- CHANAN District- Lakhisarai

Sintu Kora Son of Parmeshwar Kora Resident of Village Kachhua P.S.
Chanan District Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-01-2025 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, 273
and 34 of the Indian Penal Code read with Sections 30(a)(b)(c)
of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and allegation is of
recovery of 50 liters of liquor along with 4000 liters of
fermented Mahua from a forest area.

4. 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 is accessible to public at large and he came to be implicated



based on confessional statement of co-accused in police custody which does not have any evidentiary value. It is also 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. It is next submitted that petitioner was implicated in the instant case at the behest of the police because of his antecedents.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chanan P.S. Case No. 136 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the learned Trial Court thereafter shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has



antecedent of more than three cases in that event, the present anticipatory bail order shall not be given effect to, but after verification it is found that petitioner has antecedent of three cases only, in that event the provisional anticipatory bail shall be confirmed.

(Satyavrat Verma, J)

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