

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10144 of 2024**

Arising Out of PS. Case No.-426 Year-2022 Thana- DUMRAO District- Buxar

Asha Devi @ Asha wife of Sanjay Choudhary Village- Purana Bhojpur Ps-  
Dumraon Naya Bhojpur OP Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nirbhay Prashant

For the Opposite Party/s : Ms. Sharda Kumari

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      29-02-2024                      1. Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection  
with Dumraon (Naya Bhojpur OP) P.S. Case No.426/2022  
registered for the offence punishable under Section 30(a) of  
Bihar Prohibition and Excise (Amendment Act, 2018).

3. Learned counsel for the petitioner submits that  
petitioner has antecedent of three cases and allegation is of  
recovery of 20 litres of liquor from the house of the petitioner.  
It is next submitted that petitioner was not arrested from the spot  
as such nothing was recovered from his conscious possession  
and the house from where the alleged recovery was made is a  
joint family property as such it cannot be alleged with certainty  
that it was petitioner, who had kept the liquor in the house or the



liquor kept in the house was within his knowledge. 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.

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

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her 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.15000/- (Rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-cum-Special Judge (Excise)-1, Buxar in connection with Dumraon (Naya Bhojpur OP) P.S. Case No.426/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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