

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16498 of 2024

Arising Out of PS. Case No.-79 Year-2018 Thana- BAKHTIYARPUR District- Patna

1. Tetari Devi W/o Vrijmohan Prasad R/o New Bypass, Raghapur, P.s. - Bakhtiyarpur, Distt. - Patna
2. Pankaj Rai @ Pankaj Kumar S/o Mohan Ray R/o New Bypass, Bakhtiyarpur, Dist. - Patna
3. Awadhesh Rai @ Abdesb Ray S/o Mohan Prasad @ Mohan Rai R/o New Bypass, Raghapur, ward no. 8, P.s. - Bakhtiyarpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bandana Singh, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, App

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are the persons with clean antecedent and petitioner no.1 is a woman and allegation is of recovery of 15 liters of liquor from the house of Tetari Devi, 30 liters from the house of Pankaj Rai and Awadhesh Rai.

4. Learned counsel for the petitioners submits that



petitioners were not apprehended from the spot as such nothing was recovered from their 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. It is further submitted that even the house is a joint family property as such it cannot be alleged with certainty that it was petitioners who had kept the liquor in the house or the liquor kept in the house within their knowledge and they came to be implicated at the instance of nearby people but then the name of the person who disclosed the name of the petitioners is not disclosed in the FIR which casts an aspersion on the case of the prosecution, when admittedly petitioners are the persons with clean antecedent.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount to the satisfaction of the learned trial court where the case is



pending/successor court in connection with Bakhtiyarpur P.S.
Case No 79 of 2018 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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