

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12552 of 2024**

Arising Out of PS. Case No.-510 Year-2023 Thana- CHHATAUNI District- East Champaran

1. Sangeeta Devi WIFE OF Suraj Sah RESIDENT OF VILLAGE- BANGALI COLONY GALI NO. 4, PS- CHHATAUNI, DISTT- EAST CHAMPARAN
2. SHIBU SAH SON OF GOPAL SAH RESIDENT OF VILLAGE- BANGALI COLONY GALI NO. 4, PS- CHHATAUNI, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

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

- 2      05-03-2024                      1. 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that petitioners have antecedent of one case.
4. Allegation is of recovery of 21 litres of liquor from the house of Suraj Kumar @ Suraj Sah.
5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that petitioners being the wife and maternal uncle



(Mama) of Suraj Kumar @ Suraj Sah came to be implicated. It is next 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 also submitted that petitioners were completely unaware that liquor was kept in the house by Suraj Kumar @ Suraj Sah.

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

7. 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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each 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 Chhatauni P.S. Case No. 510 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

Kundan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

