

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15386 of 2024

Arising Out of PS. Case No.-1211 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Uma Devi Wife of Jokhu Yadav @ Birendra Yadav Resident of Village- Shankar Saraiya Ahir Toli, P.S. Turkauliya, District- East Champaran
 2. Beby Devi Wife of Chandrakishor Yadav Resident of Village- Shankar Saraiya Ahir Toli, P.S. Turkauliya, District- East Champaran
 3. Ganesh Yadav @ Ganesh Kumar Son of Jokhu Yadav @ Birendra Yadav Resident of Village- Shankar Saraiya Ahir Toli, P.S. Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-03-2024 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 offences punishable under Sections 147, 341, 323, 353, 504, 506, 272, 273 of the Indian Penal Code read with Sections 30(a), 32, 41(1) and 45 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners have antecedent of one case and petitioner nos. 1 and 2 are women and allegation is of recovery of 14 liters of liquor from the asbestos house of Jhokhu Yadav.

4. Learned counsel for the petitioners submits that the



petitioners being wife, daughter-in-law and son of Jhokhu Yadav came to be implicated in the present case. It is also submitted that after the 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 even the house is a joint family property, as such, it cannot be alleged with certainty that it was the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge. It is further submitted that it is also alleged that the petitioners were instrumental in making Jokhu Yadav flee from the place of occurrence, the said allegation has been levelled only to give a serious colour to the case.

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. 5,000/- (Rupees Five Thousand) each 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 Turkauliya P.S. Case



No. 1211 of 2023 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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