

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18317 of 2024

Arising Out of PS. Case No.-120 Year-2023 Thana- ANGARGHAT District- Samastipur

Heera Devi Wife of Lalo Paswan Resident of Village- Harpur Rewari Tole
Khervan, Police Station- Angharghat, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate

For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-03-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of her
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and allegation is of
recovery of 5 liters of liquor from the hut of Lalo Paswan.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from her conscious
possession and she came to be implicated being wife of Lalo
Paswan. It is further submitted that after amendment in the
Excise Act in the year 2018 the concept of deemed possession
and presume offender has been done away with, 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 the knowledge of the petitioner.

5. The learned APP for the State opposes the anticipatory bail application.

6. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5000 /- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-1st, Samastipur in connection with Angharghat P.S. Case No.120 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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