

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16039 of 2024

Arising Out of PS. Case No.-100 Year-2022 Thana- RUPAULI District- Purnia

Asha Devi Wife of Sujit Muni @ Sujit Mandal Resident of vill.-Nav Tolia,
P.S.-Rupauli, Distt.-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-03-2024 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. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a women and
allegation is of recovery of 17 liters of liquor from the house of
Bipin Kumar and 10 liters of liquor from backside of the toilet
of the house of Sujeet Muni.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from her conscious
possession. It is next submitted petitioner being wife of Sujeet
Muni came to be implicated. 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, 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, when petitioner admittedly is a person with clean antecedent.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.2, Purnea in connection with Rupauli P.S. Case No.100 of 2022, 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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