

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31134 of 2024

Arising Out of PS. Case No.-364 Year-2023 Thana- KATORIYA District- Banka

1. Jeera Devi Wife of Garbhu Mandal Resident of Village- Kathoun Mandal Tola, P.S.- Katoriya, Dist.- Banka
2. Bhola Mandal son of Prabhu Mandal Resident of Village- Kathoun Mandal Tola, P.S.- Katoriya, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad

For the Opposite Party/s : Mr. Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-04-2024 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 Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that the petitioners are person with clean antecedent and petitioner no. 1 is a woman and allegation is of recovery of 15 liters of liquor from the house of different persons including the petitioners.
4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and 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 petitioner who had kept the liquor in the house or the liquor kept in the house was within her knowledge. It is also submitted that petitioners came to be implicated based on secret information which is the easiest way to implicate someone.

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. 1,000/- (Rupees One 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 Katoriya P.S. Case No. 364 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event if it is found that any of the petitioners has antecedent of even one case in that



event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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