

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31629 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- LAUKAHI District- Madhubani

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1. Md. Goodu @ Goodu Miya son of Md. Jmaludin @ Banma Miya R/Village- PS- Laukahi, Dist-Madhubani
 2. Gadiya Khatoon @ Gudiya Khatoon @ Afsana Khatun wife of Md. Goodu @ Goodu Miya R/Village- PS - Laukahi, Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-04-2024 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 Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners have antecedent of three cases and petitioner no. 2 is a woman.

4. Allegation is of recovery of 108 litres of liquor from the house of the petitioners.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and 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 further submitted that it has been specifically pleaded at para 12 of the anticipatory bail application that the house from where the alleged liquor was recovered does not belong to the petitioners. It is thus submitted that it appears that the police, in order to save the real culprits, falsely implicated the petitioners based on secret information which is the easiest way to implicate someone taking advantage of their antecedent.

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.15,000/- (Rupees Fifteen 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 Laukahi P.S. Case No. 15 of 2024 corresponding to G.R. No. 73 of 2024 subject to the conditions as laid down under Section 438 (2) of



the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioners have antecedent of more than three cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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