

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31616 of 2024**

Arising Out of PS. Case No.-125 Year-2021 Thana- CHORAUT District- Sitamarhi

Rita Devi @ Tulsiyahi Bali WIFE OF FULCHAN MUKHIYA VILLAGE-
Parigama, WARD NO. 2, P.S.- CHORAUT, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 30-04-2024 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 12.600 liters of liquor from the
house of Fulchan Mukhiya and 11.4 liters of liquor from the
house of Shiv Nandan Mukhiya.
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 based on the fact that she is wife of Fulchan Mukhiya. 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 it and she came to be implicated based on confessional statement of Fulchan Mukhiya in police custody, which does not have any evidentiary value.

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 Exclusive Special Court Excise-II, Sitamarhi in connection with Choraut P.S. Case No.125 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is



found that petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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