

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33340 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- GARKHA District- Saran

Renu Devi, Wife Of Suil Nutt Village- Mithepur, Ps- Garkha, Dist- Saran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-05-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner seeks permission to make rectification in the description of the petitioner in the cause title as it has been submitted that name of the husband of the petitioner is Sunil Nut, but inadvertently, the same has been typed as Suil Nutt.

3. Permission is accorded.

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

5. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and the allegation is of recovery of 60 litres of liquor from the



house of the petitioner.

6. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from her conscious possession and even the house, which is a joint family property and thus, 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 next submitted that after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with and she came to be implicated at the instance of Chaukidar with whom her husband is on an inimical term.

7. Learned A.P.P. opposes the bail application.

8. 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 her 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 1st Exclusive Special Excise Court, Saran at Chapra in connection with Garkha P. S. Case No.49 of 2024, subject to the conditions laid down under Section 438(2)



of the Cr.P.C.

9. The application stands allowed.

10. 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 application shall not be given effect to.

(Satyavrat Verma, J)

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