

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39054 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- Excise P.S. District- Madhubani

Pushpa Devi @ Pushpa Kumari, D/o- Late Ram Balak Sah Village- Basopatti
Ps- Basopatti Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Soban Asghar
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-06-2024 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Sections 30(a) and 32 of the Excise Act.
3. 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 42.525 litres of liquor from a place near Raj Hotel and from a room of the petitioner as detailed in the F.I.R.
4. 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 after Amendment in the Excise Act, 2018, the concept of deemed possession and



presumed offender has been done away with. It is also submitted that 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 also submitted that she came to be implicated based on confessional statement of Santosh Kumar in police custody, which does not have any evidentiary value. It is also submitted that petitioner has no concern with Santosh Kumar.

5. Learned A.P.P. 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 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 Additional Sessions Judge-IIInd- cum- Special Judge, Excise Act, Madhubani in connection with G.O. No.886 of 2024 arising out of Excise P. S. Case No.97 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

8. 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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