

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45056 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- BABUBARHI District- Madhubani

1. Sunita Devi W/o Chandar Paswan R/o vill - Bathuwaha, P.S. - Babubarhi, Distt.- Madhubani
2. Vinita Devi W/o Ram Kumar Paswan R/o vill - Bathuwaha, P.S. - Babubarhi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2024 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 offence punishable under Sections 272, 273, 34 of the I.P.C. & Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of four cases and petitioner no.2 has antecedent of five cases and are women and allegation is of recovery of 4 litres of liquor each from the house of petitioners. It is next submitted 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 also submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioners, who had kept the liquor in the house or the liquor kept in the house was within their knowledge and they came to be implicated at the instance of local person but then the name of the person who disclosed the name of the petitioners has not been mentioned in the F.I.R., which casts an aspersion on the case of the prosecution.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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.25000/- (Rupees twenty five 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 Babubarhi P.S. Case No.101/2024, G.R. No.328/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



6. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 has antecedent of more than four cases and petitioner no.2 has antecedent of more than five cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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