

Arising Out of PS. Case No.-146 Year-2024 Thana- PANCHRUKHI District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udit Narayan Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and is a woman and allegation is of recovery of 9.4 liters of liquor from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from her conscious possession and after amendment in the Excise Act in year 2018, the concept of



deemed possession and presumed offender has been done away with. It is also submitted that house in question is a joint family property, as such it cannot be alleged with certainty that it was petitioner who kept the liquor in the house or the liquor kept in the house was within her knowledge and she came to be implicated at the instance of Chowkidar with whom her husband is on an inimical term.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) 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 Panchrukhi P.S. Case No. 146 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear 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 more than one case
in that event, the present anticipatory bail order shall not be
given effect to.

(Satyavrat Verma, J)

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