

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41674 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- DHAKA District- East Champaran

Urmila Devi @ Renu Devi Wife of Shyambabu Mukhiya Resident of village -
Jhauwaram, P.S.- Dhaka, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Nand 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 allegation is of
recovery of 108 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 had kept the liquor in the house or the liquor kept in the house was within her knowledge and she came implicated at the instance of local persons but the name of the person who disclosed the name of the petitioner is not disclosed in the FIR which cast an aspersion on the case of the prosecution.

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 his 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 Dhaka P.S. Case No. 168 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)

Shivam/-

U		T	
---	--	---	--

