

Arising Out of PS. Case No.-06 Year-2024 Thana- Shivnarayanpur District- Bhagalpur

1. Sweetie Devi W/o Phul Kumar R/o Village-Alakaman Lougey, P.S.-Shivnarayanpur, District-Bhagalpur
2. Chinta Devi W/o Heraman Choudhary @ Dinesh Choudhary R/o Village-Alakaman Lougey, P.S.-Shivnarayanpur, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2024 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 offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and are women and allegation is of recovery of 11 litres of liquor from a hut in front of the house of Sweetie Devi (Petitioner No. 1) and 10 litres of liquor from a hut (line hotel) of Chinta Devi (Petitioner No. 2).

4. Learned counsel for the petitioners submits that the



petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and after the amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that line hotel is a place where customers come and it may be a possibility that someone kept the liquor without the knowledge of the petitioner No. 2 as no prudent person would use her own premises for committing an occurrence and thus would create evidence against herself and hence would get implicated. It is further submitted that house of Sweetie Devi (petitioner No. 1) 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 within knowledge of the petitioner. It is further submitted that they came to be implicated at the instance of local people but then the FIR does not disclose the name of the person who disclosed the name of the petitioners, which casts an aspersion on the case of the prosecution.

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

6. 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 trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) 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 Shivnarayanpur P.S. Case No. 06 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 the petitioners have antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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