

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46814 of 2024**

Arising Out of PS. Case No.-22 Year-2024 Thana- BAGENGOLA District- Buxar

Munna Devi, W/O Bhagwan Yadav @ Shribhagwan Singh R/O Village-
Guljari Dera, P.S- Bagengola, Dist.- Buxar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-07-2024 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 Section
30(A) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and and is a
woman and allegation is of recovery of 10 litres of liquor from the
house of the petitioner.
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 and 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

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 Special Excise Court No.1, Buxar in connection with Bagengola P. S. Case No.22 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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