

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48701 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- LALGANJ District- Vaishali

=====

Ganita Devi Wife of Late Kamleshwar Paswan Resident of Vill- Pakadi
Kanth, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-07-2024 1. Heard learned counsel for the petitioner as well
as 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 Bihar Prohibition and Excise Act in
connection with Lalganj P.S. Case No.104 of 2024.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and is a women and
allegation is of recovery of 15 liters of liquor from the house of
the petitioner.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from her 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 and the 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 the knowledge of the petitioner and she came to be implicated at the instance of local person. It is also submitted that police in majority of the cases implicates mechanically either at the instance of the Chowkidar or local person.

5. The learned APP for the State 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 his furnishing bail-bonds in the sum of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Lalganj P.S. Case No.104 of 2024, subject to the conditions 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 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.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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

