

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48752 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- MAHNAR District- Vaishali

Pinki Devi, wife of Jaykant rai VILLAGE- LAWAPUR (PURVI), PS-
MAHNAR, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and allegation is of recovery of 16 litres of liquor from the house of the petitioner . It is next submitted that petitioner was not arrested on the spot and as such recovery is not made from the conscious possession of the petitioner 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 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 his knowledge and she came to be implicated at the instance of Chaukidar with whom she is on an inimical term.

4. Learned A.P.P. opposes the bail application.

5. 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 withing 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 Exclusive Special Prohibition and Excise Court II-cum-A.D.J., Hajipur, Vaishali, in connection with Mahnar P.S. Case No. 316 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The applications stands allowed.

(Satyavrat Verma, J)

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