

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47457 of 2024**

Arising Out of PS. Case No.-227 Year-2024 Thana- BABUBARHI District- Madhubani

Somni Devi W/o Ram Vilas Mukhiya R/o vill - Barhara Harhi Tol, P.S. -  
Babubarhi, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      18-07-2024              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 Sections 272, 273  
and 34 of the IPC and Section 30(a) and 41 of the Bihar Excise  
Act.

3.    Learned counsel for the petitioner submits that the  
petitioner has antecedent of one case and is a woman and  
allegation is of recovery of 14 litres of liquor from a  
motorcycle and one Ashok was arrested.

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 is not owner of



the seized motorcycle. It is next submitted that she came to be implicated based on confessional statement of Ashok in police custody which does not have any evidentiary value. It is also submitted that after the amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with.

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 her 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 Babubarhi P.S. Case No. 227 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 petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that the 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)

SUMIT/-

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