

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52237 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- BELHAR District- Banka

Munni Khatoon @ Munni Bibi, Wife Of Muthun Sheikh Resident Of Village -
Gorgawan, P.S. - Belhar, District - Banka

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Singh

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-08-2024 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 has antecedent of two cases and is a

woman and the allegation is of recovery of 75 litres of liquor

from the house of the petitioner and 300 litres of liquor from

a place behind 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 and she came to be implicated at the instance of Chaukidar with whom her husband is on an inimical term. It is also submitted that 300 litres of liquor was recovered from a place behind the house of the petitioner and even 75 litres of liquor, which is alleged to have been recovered from the house of the petitioner, were recovered from the same place where 300 litres of liquor was recovered.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Abhishek Kumar Bhan, the learned Additional District & Sessions Judge-II-cum-Special Judge Excise Court-1, Banka in connection with Belhar P. S. Case No.141 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 more than two cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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