

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55344 of 2024

Arising Out of PS. Case No.-207 Year-2024 Thana- BABUBARHI District- Madhubani

Sunita Devi wife of Chandra Kumar Paswan @ Chandar Paswan Village-
Bathuaha Ps- Babubarhi Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-08-2024 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 Sections 272, 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act in connection with Babubarhi P.S. Case No.207 of 2024.

3. Learned counsel for the petitioner submits that petitioner has antecedent of five cases and is a women and allegation is of recovery of 05 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 it 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 based on secret information which is the easiest way to implicate someone. It is also submitted that once a person is implicated in a case relating to liquor, in that event the police starts implicating mechanically.

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 her furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Madhubani in connection with Babubarhi P.S. Case No.207 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 five cases, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan
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