

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56928 of 2024

Arising Out of PS. Case No.-206 Year-2024 Thana- BABUBARHI District- Madhubani

1. Rekha Devi Wife of Sibinder Mukhiya R/O Vill.- Baunsi, P.S.- Babubarhi, Dist.- Madhubani.
2. Surender Mukhiya Son of Late Saini Mukhiya R/O Vill.- Baunsi, P.S.- Babubarhi, Dist.- Madhubani.
3. Tetri Devi Wife of Sikender Mukhiya R/O Vill.- Baunsi, P.S.- Babubarhi, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey
For the Opposite Party/s : Ms. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-08-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no.1 and 3 are women and allegation is of recovery of 20 litres of liquor from bricks and asbestos house of Surendra Mukhiya (petitioner no.2) and Sikandar Mukhiya. It is next submitted that petitioners were not arrested from the spot as such nothing



was recovered from their 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 is also submitted that 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 his knowledge and they came to be implicated at the instance of chowkidar. It is also submitted that police in majority of the cases implicates either at the instance of chowkidar, local person, secret information or confessional statement without holding proper investigation in a mechanical manner.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees five hundred) each 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.206/2024, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before
accepting the bail bonds of the petitioners shall verify the
criminal antecedents of the petitioners and in the event if it is
found that petitioners have antecedent of even one case, in that
event, the present anticipatory bail order shall not be given
effect to.

(Satyavrat Verma, J)

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