

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58181 of 2024

Arising Out of PS. Case No.-381 Year-2024 Thana- SITAMARHI District- Sitamarhi

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1. GAYTRI DEVI W/O LATE LAL BABU RAY RESIDENT OF VILLAGE - BASWARIYA, WARD NO 25, POLICE STATION - MEHSAUL, DISTRICT- SITAMARHI
 2. Nitu Devi W/o Raju Kumar RESIDENT OF VILLAGE - BASWARIYA, WARD NO 25, POLICE STATION - MEHSAUL, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-08-2024 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 offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioners are person with clean antecedent and are women and allegation is of recovery of 7.5 liters of liquor from the house of Raju Kumar.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they came to be implicated based on the fact that they are mother and wife of Raju Kumar 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 Chowkidar falsely implicated the petitioners as he is on an inimical term with Raju.

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

6. 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 trial court 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 Sitamarhi P.S. Case No. 381 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioners shall verify their criminal antecedent and in the event if it is found that any of the 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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