

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60292 of 2024**

Arising Out of PS. Case No.-26 Year-2024 Thana- MANIHARI District- Katihar

Kamli Devi Wife of Late Shankar Rai, Daughter of Narayan Roy Resident of
Village- Pagalbari, P.S.- Manihari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Musowir, Advocate

For the Opposite Party/s : Md. Iftekhhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 21-08-2024 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
Section 30(a) of the Bihar Prohibition and Excise Act in
connection with Manihari P.S. Case No.26 of 2024.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a women and
allegation is of recovery of 39 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 is also submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it were the petitioner who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioners.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned A.D.J., Exclusive Excise Court No.2, Katihar in connection with Manihari P.S. Case No.26 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 even one case, 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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