

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67715 of 2024

Arising Out of PS. Case No.-370 Year-2024 Thana- RAJAOLI District- Nawada

1.

Lalima Devi Wife of Bablu Rajwanshi R/O Village and police station-
Rajauli, Dist- Nawada
2.

Rekha Devi Wife of Ranjit Rajwanshi R/O Village and police station-
Rajauli, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2

19-09-2024

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 the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and are women.

4.

Allegation is of recovery of 20 litres of liquor from
the house of Bablu Rajwanshi and Ranjit Rajwanshi.

5.

Learned counsel for the petitioners submits 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 further submitted that the house in question is a joint family property, as such, it cannot be alleged with certainty that it was the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge. It is next submitted that petitioners came to be implicated as they are wife of Bablu Rajwanshi and Ranjit Raswanshi.

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

7. Considering the submissions made by the learned counsel for the petitioners, let 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 court below where the case is pending/successor court in connection with Rajauli P.S. Case No. 370 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and 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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