

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72018 of 2023**

Arising Out of PS. Case No.-81 Year-2022 Thana- MANJHI District- Saran

SARSWATI DEVI WIFE OF LATE RAM NATH CHAUDHARI RESIDENT  
OF VILLAGE - CHAUBAH ASTHAN, P.S. - MANJHI, DISTRICT -  
SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      19-02-2024              1.    Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2.    The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 30(a) and  
47 of the Bihar Excise Act.

3.    Learned counsel for the petitioner submits that the  
petitioner has antecedents of two cases and allegation is of total  
recovery of 50 litres of liquor from five different places, out of  
which 10 litres is alleged to have been recovered from the house of  
the petitioner.

4.    Learned counsel for the petitioner submits that the  
petitioner was not arrested from the spot as such nothing was  
recovered from his conscious possession. It is also submitted that



house is a joint family property as such it cannot be alleged with certainty that it was the petitioner who kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioner. It is further submitted that after 2018 amendment in the Excise Act, the concept of deemed possession and presumed offender has been done away with.

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

**6.** Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 10,000/- (Rupees Ten Thousand) 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 Manjhi P.S. Case No. 81 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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