

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72618 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- BHADHWAR District- Gaya

Manorma Devi Wife of Upendra Sao @ Upendra Saw Resident of Village -
Teliadih (Jhangat), P.S.- Bhadwar, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Nikhil, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-10-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends her 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 petitioner submits that petitioner
is a person with clean antecedent and is a woman.
4. Allegation is of recovery of 5 litres of liquor from the
house of the petitioner and 10 litres of liquor from the house of Jagan
Sao.
5. Learned counsel for the petitioner submits 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 further submitted that the house in question
is a joint family property, as such, it cannot be alleged with certainty
that it was the petitioner who had kept the liquor in the house or the



liquor kept in the house was within her knowledge. It is next submitted that petitioner came to be implicated based on the secret information which is the easiest way to implicate someone, when petitioner admittedly is a person with clean antecedent.

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

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of her 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) 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 Bhadwar P.S. Case No. 26 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 petitioner, shall verify the criminal antecedent of the petitioner and 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 to.

(Satyavrat Verma, J)

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