

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73058 of 2023

Arising Out of PS. Case No.-397 Year-2023 Thana- ALOULI District- Khagaria

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PINKI DEVI W/O SAHEB CHOUDHARY @ BAIJNATH CHOUDHARY
RESIDENT OF VILLAGE- SHUMBHA, P.S.- BAHADURPUR
(ALLAULI), DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends her arrest in connection with Allauli P.S. Case No.397/2023 registered for the offence punishable under Sections 30(a) (b) (c) of Bihar Prohibition and Excise Amendment Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and is woman. An allegation is of recovery of total 15 litres of liquor from the house of the petitioner and from Ram Lakhan Chaudhary. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from her conscious possession. It is next submitted that even the alleged house is a joint family



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

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

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-1, Khagaria in connection with Allauli P.S. Case No.397/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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