

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75291 of 2024

Arising Out of PS. Case No.-57 Year-2022 Thana- SACHIVALAYA District- Patna

Anju Devi W/o- Mohan Ram @ Sanjay Ram Resident of village- Yarpur
Band Railway Gumti PS- Gardanibagh District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar
For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-10-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 30(A) B.P. & Excise Act,
2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of 8 cases and is a woman and is in
custody since 31.08.2024 and allegation is of recovery of 163.62
litres of liquor from a hut of the petitioner and 186.5 litres of
liquor from a bush kept behind the hut of the petitioner. It is
next submitted that petitioner was not arrested from the spot as
such nothing was recovered from her conscious possession. It is
further submitted that the recovery was not from a hut but from
a house but then it is 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, as such 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 once an accused is implicated in a case relating to excise, the police starts implicating mechanically.

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

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on 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 Sachivalay P.S. Case No.57/2022.

(Satyavrat Verma, J)

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