

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80268 of 2024

Arising Out of PS. Case No.-1085 Year-2021 Thana- KANKARBAG District- Patna

Gunja Devi W/O Chandeshar Sahni @ Chandreshwar Sahni @
Chandrashekhar Sahni R/O Biklang, Bhawan, Jhoparpatti, P.S- Kankarbagh,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate

For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2024 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 Act.

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 15.6 litres of liquor
from the house of Shiv Dayal Sahni and 1.5 litres of liquor from
the house of the petitioner.

5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from her conscious possession. 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 after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and petitioner came to be implicated at the instance of the local persons but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution. It is also submitted that petitioner had earlier moved this Court seeking anticipatory bail by filing Cr. Misc. No. 41130 of 2024 and the same was permitted to be withdrawn with liberty to file afresh by an order dated 13.08.2024.

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 Kankarbagh P.S.
Case No. 1085 of 2021, 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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