

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85286 of 2024**

Arising Out of PS. Case No.-202 Year-2024 Thana- DORIGANJ District- Saran

Krishna Devi, Wife of Nagendra Choudhary Resident of Village - Bhairapur,  
P.S.- Doriganj, District - Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Kanhiya Kishor

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

3      19-04-2025                      1. Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner seeks bail in anticipation of her  
arrest in a case registered for the offences punishable under  
Sections 30(b) and 30(c) of the Excise Act.

3. The learned counsel for the petitioner submits that  
the petitioner is a person with clean antecedent and is a woman  
and allegation is of recovery of 95 litres of liquor from house of  
the petitioner.

4. The 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, 2018, the concept of deemed possession and  
presumed offender has been done away with. It is also submitted



that house in question is a joint family property and thus, 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 and she came to be implicated based on secret information, which is the easiest way to implicate someone.

5. Learned A.P.P. opposes the anticipatory bail application.

6. 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, is directed to be released on provisional anticipatory bail on her furnishing bail-bonds in the sum of Rs. 500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned 3<sup>rd</sup> Exclusive Special Judge Excise, Saran at Chapra in connection with Doriganj P. S. Case No.202 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is



found that petitioner has antecedent of even one case, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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