

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88225 of 2024

Arising Out of PS. Case No.-1040 Year-2024 Thana- Excise P.S. District- Gaya

Pinki Devi W/o- Shankar Kumar R/o Village- Dhanawa, W.No-9, PS - Bodh
Gaya Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-01-2025 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 offences punishable under Sections 30(a) and 45 of the Bihar
Prohibition and Excise (Amendment) Act, 2018.
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 2.5 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
after amendment in the Excise Act in the year 2018, the concept of
deemed possession and presumed offender has been done away with
and 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.

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 Gaya Excise P.S. Case No. 1040 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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