

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2957 of 2026

Arising Out of PS. Case No.-472 Year-2025 Thana- PAKARIBARAW District- Nawada

=====

Fulwa Devi @ Bagdi W/o- Late Chandeshwar Chaudhary @ Chando
Chaudhary Resident of Village- Budhauri, P.S.- Pakaribarawan, District-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-01-2026 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
30(c) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases under the excise act and
is a woman and allegation is of recovery of 7 liters of liquor
from a house and a place outside the house of the petitioner
along with 240 liters of *Mahua* jaggery solution which was
destroyed.

4. Learned counsel for the petitioner submits that
petitioner was not apprehended from the spot as such nothing



was recovered from her conscious possession and the house in question is a joint family property, 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 and after amendment in the excise act in the year 2018, the concept of deemed possession and presumed offender has been done away with. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of *Chowkidar*, local person, confessional statement or secret information without holding a proper investigation and in the present case, the petitioner came to be implicated based on secret information.

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

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 Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty 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 Pakaribarawan P.S. Case No. 472 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than four cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed her antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of four cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, the learned counsel for the petitioner, based on instruction, undertakes to deposit an amount of Rs. 2500/- with Advocates' Association, Patna High Court.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

