

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4760 of 2026**

Arising Out of PS. Case No.-278 Year-2025 Thana- MUSAHARI District- Muzaffarpur

1. Gauri Devi W/O Dwarika Sah R/O Village- Nayagaon, P.S.- Mushahari, District- Muzaffarpur
2. Dwarika Sah S/O Late Ramashish Sah R/O Village- Nayagaon, P.S.- Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Khurshid Anwar

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

2      31-01-2026                      1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioner no.1 is a person with clean antecedent and is a woman and petitioner no.2 has antecedent of one case under the Excise Act and allegation is of recovery of 7.450 litres of liquor from a pit in the house of the petitioners. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their 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 his 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 and they came to be implicated at the instance of local person 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.

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

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five thousand) each 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 Mushahari P.S. Case No.278/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court



thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 has antecedent of even one case and petitioner no.2 has antecedent of more than one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found that petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

7. At this stage, the learned counsel for the petitioners based on instruction submits that petitioners undertake to deposit an amount of Rs.2500/- with Advocates' Association, Patna High Court within a period of two weeks from today.

**(Satyavrat Verma, J)**

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