

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3712 of 2026

Arising Out of PS. Case No.-476 Year-2025 Thana- NOKHA District- Rohtas

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1. Ful Kumari Devi @ Ful Kumari W/o Nageshwar Chaudhari @ Nageshwar Chaudhary R/o Village- Shivpur, PS- Nokha, Dist- Rohtas
 2. Nageshwar Chaudhari S/o Wasudev Chaudhary @ Wasudev Chaudhari R/o Village- Shivpur, PS- Nokha, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-01-2026 1. Heard learned counsel for the petitioners and
learned APP for the State.

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

3. The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and petitioner
no.1 is a woman and allegation is of recovery of 23 litres of
liquor from the house of Guddul Chaudhary and 10 litres of
liquor from the house of the petitioners.

4. The learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and even the house in question is a joint family property and thus, it cannot be alleged with certainty that it was the petitioners, who had kept the liquor in the house or the liquor kept in the house was within their knowledge and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with and they came to be implicated at the instance of Chaukidar, but then, it is submitted that if Chaukidar was aware of the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which casts an aspersion on the case of the prosecution.

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

6. 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, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) 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 Nokha P. S. Case No.476 of 2025, 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 petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioners are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

9. At this stage, the learned counsel appearing on behalf of the petitioners based on instruction submits that petitioners undertake to deposit an amount of Rs.1500/- with Advocates' Association, Patna High Court, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

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