

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12909 of 2026

Arising Out of PS. Case No.-147 Year-2025 Thana- NIRMALI District- Supaul

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Samo Devi Wife of Late Raju Paswan Resident of Village and P.S.- Niramli,
Ward No. 09, District- Supaul (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Mukhiya, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends her arrest in a case registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case under the Excise Act and is
a woman and allegation is of recovery of 26.1 litres of liquor
from house of the petitioner. It is next submitted that petitioner
was not arrested 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 and petitioner 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 since name of the petitioner has not transpired based on secret information.

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

5. 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-bond in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Exclusive Excise Court No.2, Supaul in connection with Nirmali P.S. Case No.147 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bond of the petitioner shall verify



the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed her 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 petitioner has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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