

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13736 of 2026

Arising Out of PS. Case No.-10 Year-2026 Thana- Panchanpur District- Gaya

Manju Devi W/O Late Suryadeo Chaudhary R/O Village -Panchanpur P.S.-
Panchanpur Dist- Gaya ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushp Raj Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-03-2026 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) and 30(d) of
Bihar Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman and
allegation is of recovery of 10 litres of liquor along with 60
litres of Jawa Mahua 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 she came to be implicated at the instance of local person but then name of the petitioner, who disclosed the name of the petitioner, is not disclosed in the FIR, which casts an aspersion on the case of the prosecution moreso when petitioner has not been implicated based on secret information and is a person with clean antecedent.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge Excise-2, Gaya Ji in connection with Panchanpur P.S. Case No.10 of 2026, 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 even 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 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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