

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16045 of 2026

Arising Out of PS. Case No.-173 Year-2025 Thana- BHAIKAVSHTHAN District-
Madhubani

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Manju Devi W/o Ashish Paswan R/o vill - Raiyam, ward no. 13, P.S.-
Bhairavsthan, Distt.- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-03-2026 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 offence punishable under Section 30(a) of the Bihar Excise Act and Sections 274, 275 and 3(5) of BNS.

3. Learned counsel for the petitioner submits that petitioner has antecedent of four cases out of which two cases are under the Excise Act and is a woman and allegation is of recovery of 10 liters of liquor along with 200 liters of fermented *java mahua* from house of Ashish.

4. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from her conscious possession and being wife of



Ashish, she came to be implicated. It is further submitted that 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 based on confessional statement of Ashish in police custody which does not have any evidentiary value. It is also submitted 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 proper investigation.

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 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 Bhairavsthan P.S.
Case No. 173 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 his
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 only four criminal
antecedents, in that event the provisional anticipatory bail order
shall be confirmed forthwith.

(Satyavrat Verma, J)

Gaurav Sinha/-

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