

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22431 of 2026

Arising Out of PS. Case No.-146 Year-2025 Thana- PUSA District- Samastipur

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1. Girja Devi W/O Ram Bharat Ray R/O Village- Madapur Chapra, P.O- Puja, P.S- Puja, District- Samastipur
 2. Ram Bharat Ray S/O Late Nathuni Ray R/O Village- Madapur Chapra, P.O- Puja, P.S- Puja, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-04-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 is a person with clean antecedent and is a woman and petitioner no.2 has antecedent of one case and the allegation is of recovery of 4.500 litres of liquor from house of the petitioner no.2 and one pick-up vehicle was seized and further, 112.980 litres of liquor was recovered from the pick-up vehicle.



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 were 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 it is also submitted that petitioners are not owners of the seized vehicle and they came to be implicated at the instance of local person, but the name of the person, who disclosed the name of the petitioners is not disclosed in the F.I.R., which casts an aspersion on the case of the prosecution, when petitioners have not been implicated based on secret information.

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. 5,000/- (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 Pusa P. S. Case No.146 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 petitioner no.1 has antecedent of even one case and petitioner no.2 has antecedent of more than 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 petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of one case only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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