

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26486 of 2026

Arising Out of PS. Case No.-15 Year-2026 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Kiran Devi Wife of Late Suresh Pasi Resident of village - Kundwa Chainpur, P.S.- Kundwa Chainpur, District - East Champaran, Motihari.
 2. Lalti Devi Wife of Late Budhu Pasi Resident of village - Kundwa Chainpur, P.S.- Kundwa Chainpur, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Ms. Meena Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-04-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and are women
and allegation is of recovery of 118.8 litres of liquor from field
of Harendra Singh and from a plastic bag as detailed in the FIR.
It is next submitted that petitioners were not arrested from the
spot as such nothing was recovered from their conscious
possession and even alleged recovery is from a place which



does not belong to the petitioners and is accessible to villagers at large and they came to be implicated based on confessional statement of Punam in police custody which does not have any evidentiary value. It is also submitted that after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds 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 Kundwa Chainpur P.S. Case No.15/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of even one case, in that event, it would be presumed that



petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found that petitioners are persons with clean antecedent, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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