

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27138 of 2026

Arising Out of PS. Case No.-247 Year-2025 Thana- KALYANPUR District- Samastipur

Kiran Devi W/o Jogindra Sahni @ Yogendra Sahni Resident of Village -
Bhagirathpur, P.S. - Kalyanpur, Dist. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra

For the Opposite Party/s : Ms. Meena Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2026 1. 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 offences punishable under Sections 30(a), 30(b), 30(c), 30(d), 30(e), 30(f), 34, 36 and 47 of Bihar Prohibition and Excise Act and Sections 123 and 109 of BNS, 2023 and Section 18(c) of Drugs and Cosmetic Act, 1940.

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 19.8 litres of liquor from house of Joginder. 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 his 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 her husband in police custody which does not have any evidentiary value. It is also submitted that Joginder under pressure disclosed the name of the petitioner since she was earlier implicated in false case relating to excise.

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

5. 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.5000/- (Rupees five 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 Kalyanpur P.S. Case No.247/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that the learned trial court thereafter



shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than one case, in that event, it would be presumed that petitioner had concealed her antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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