

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28142 of 2026

Arising Out of PS. Case No.-33 Year-2026 Thana- Chitragupta Nagar District- Khagaria

1. Manisha Devi @ Manisha Kumari W/O Late Sunil Sahni R/O Vill.- Sanhauli, Durgasthan, Power House, Ward no. 24, P.S.- Chitragupta Nagar, Dist.- Khagaria.
2. Mithun Sahni W/O Late Ashok Sahni R/O Vill.- Sanhauli, Durgasthan, Power House, Ward no. 24, P.S.- Chitragupta Nagar, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Opposite Party/s : Ms.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-04-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 2 (Mithun Sahni), who was arrested during pendency of the instant anticipatory bail application.
3. Permission is accorded.
4. Accordingly, the anticipatory bail application is dismissed as withdrawn with respect to petitioner No. 2 (Mithun Sahni).
5. The petitioner No. 1 apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the



Bihar Excise Act.

6. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and allegation is of recovery of 160 litres of liquor from the house of the petitioner.

7. Learned counsel for the petitioner submits that the 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 knowledge of the petitioner. It is next 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 and she came to be implicated at the instance of local people, but then the name of the person, who disclosed the name of the petitioner, is not disclosed in the FIR, which casts an aspersion on the case of the prosecution, when petitioner has not been implicated based on secret information.

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

9. Considering the submissions made by the learned



counsel for the petitioner, the petitioner No. 1 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. 500/- (Rupees Five Hundred) 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 Khagaria (Chitragupta Nagar) P.S. Case No. 33 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

10. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner No. 1 and in the event if it is found that petitioner No. 1 has antecedent of even one case then it would be presumed that petitioner No. 1, for the purposes of seeking anticipatory bail, had concealed her antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner No. 1 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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