

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31873 of 2026**

Arising Out of PS. Case No.-442 Year-2025 Thana- MASHRAK District- Saran

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1. Lakhpati Devi W/o Lal Bahadur Chaudhary R/o village- Sikti Bhikham, P.S.- Mashrakh, District- Saran at Chapra
  2. Shyam Bahadur Chaudhary S/o Pahlad Chaudhary R/o village- Sikti Bhikham, P.S.- Mashrakh, District- Saran at Chapra
  3. Lal Bahadur Chaudhary S/o Pahlad Chaudhary R/o village- Sikti Bhikham, P.S.- Mashrakh, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      12-05-2026                      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 Sections 30(a)(c) of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no.1 is a woman and allegation is of recovery of 200 litres of semi prepared liquor along with 80 litres of liquor from joint house of the petitioner. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their



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 they came to be implicated at the instance of chowkidar with whom they are on an inimical term. It is also submitted that if chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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 Mashrakh P.S. Case No.442/2025, 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 respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

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