

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31955 of 2026

Arising Out of PS. Case No.-95 Year-2026 Thana- BHORE District- Gopalganj

1. Madhuri Devi Wife of Motilal Sah Resident of Village- Hussepur, Naya Sahar, P.S.- Bhore, District- Gopalganj
2. Motilal Sah Son of Late Asharfi Sah Resident of Village- Hussepur, Naya Sahar, P.S.- Bhore, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2026 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 offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of four cases under the Excise Act and petitioner no. 2 has antecedent of one case under the Excise Act and petitioner no. 1 is a woman. It is next submitted that allegation is of recovery of 22.8 liters of liquor from house of petitioners.

4. Learned counsel for the petitioners submits that



petitioners were not apprehended 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 were 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 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 local person, but then it absolutely does not stand to reason that how local person would have known who had concealed the liquor in the house.

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

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 Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 20000/- (Rupees Twenty 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 Bhore P.S. Case No. 95 of 2026 subject to the conditions as



laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than four cases and petitioner no. 2 has antecedent of more than one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his/her antecedent, but after verification if it is found that petitioner no. 1 has antecedent of four cases only 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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