

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32810 of 2026

Arising Out of PS. Case No.-679 Year-2025 Thana- NOORSARAI District- Nalanda

Guddi Devi Wife of Rakesh Paswan Resident of Village- Dahpar, P.S.-
Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Excise Act and Sections 25(1-B)a, 26 and 35 of the Arms
Act.

3. 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 4 litres of liquor from the house of
Rakesh Pawan along with two country made pistol, 3 live
cartridges, 1 empty cartridge and Rs. 18,01,050/- and 153.53
litres of liquor from the old house and dalan of Rakesh Paswan
and Vikash Paswan.

4. Learned counsel for the petitioner submits that the



petitioner was not arrested from the spot as such nothing was recovered from her conscious possession. It is next submitted that petitioner being wife of Rakesh Paswan came to be implicated in the instant case. It is further submitted that 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. It is thus submitted that petitioner was completely aware that liquor, arms and cartridges along with huge cash were kept in the house. It is also submitted that thrust of the allegation is against her husband and Vikash Paswan. It is next submitted that if privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will co-operate in the investigation to prove her innocence.

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

6. After hearing the learned counsel for the parties and taking into consideration the fact that petitioner is a woman and is a person with clean antecedent, 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. 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 Noorsarai P.S. Case No. 679 of 2025, 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 petitioner and in the event if it is found that petitioner has antecedent of even one case then it would be presumed that petitioner, 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 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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