

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53164 of 2026

Arising Out of PS. Case No.-79 Year-2018 Thana- BAKHTIYARPUR District- Patna

1. Sujata Devi @ Sanjola Devi Wife of Arbind Kumar @ Arbind Ray Resident of Village- Satbhaiya Karari Kachhar, P.S.- Bakhtiyarpur, District- Patna.
2. Savita Devi Wife of Parash Rai Resident of Village- Satbhaiya Karari Kachhar, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Babu Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-07-2026 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 petitioners are persons with clean antecedent and are women and allegation is of recovery of 31 liters of liquor from house of Mohan, 33.4 liters of liquor from house of petitioners, 15.800 liters of liquor from house of Brijmohan, 21.800 liters of liquor from house of Devendra and 10 liters of liquor from a Scorpio vehicle.



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. It is also submitted that petitioners have no concern or relation with Mohan, Brijmohan and Devendra nor the vehicle belongs to them and they came to be implicated at the instance of local person. It is also submitted that it does not appear probable that 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. 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 Bakhtiyarpur P.S. Case No. 79 of 2018 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 any of the petitioners have antecedent of even 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 the petitioner who had concealed her antecedent, but after verification if it is found that petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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