**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.74973 of 2026**

**CNR No. BRHC011049902026**

Arising Out of PS. Case No.-170 Year-2026 Thana- THALI District- Nawada

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Usha Devi S/o Late Babli @ Bablu Chaudhary R/o Village - Madhopur, Ps - Thali, District - Nawada.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Ms.Sarita Kumari
For the Opposite Party/s : Ms.Meena Singh

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

ORAL ORDER

2 28-10-2026 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Sections 30(a) and 41 of the Excise Act.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of three cases under the Excise Act and is a woman and allegation is of recovery of 220 litres of liquor from house of different accused persons including 30 litres of liquor from house of the petitioner.

4. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from her conscious possession and even the house in

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question is a joint family property and thus, it cannot be alleged with certainty that it was the petitioner, who had kept the liquor in the house or the liquor kept in the house was within her knowledge and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with and she came to be implicated at the instance of Chaukidar with whom her husband is on an inimical term. It is also submitted that in similar manner earlier also petitioner came to be implicated.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on her furnishing bail-bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) 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 Thali P. S. Case No.170 of 2026, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

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8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than three cases, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed her antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of three cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

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