IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76668 of 2026

CNR No. BRHC011101582026

Arising Out of PS. Case No.-325 Year-2026 Thana- BHORE District- Gopalganj

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Sarita Devi W/o Late Pintu Mandal Resident of Village - Kalyanpur, P.S. - Bhore, Dist. - Gopalganj.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-10-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman and allegation is of recovery of 51 liters of liquor from house of the petitioner and 171 liters of liquor from house of Asha Devi.

4. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from her conscious possession and the house in question is a joint family property, as such, it cannot be alleged

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with certainty that it was 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 in the year 2018, the concept of deemed possession and presumed offender has been done away with and she came to be implicated at the instance of local person, but then it is 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 petitioner.

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 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) 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. 325 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 petitioner and in the event if it is found that petitioner has antecedent of even one case

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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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