

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83465 of 2025

Arising Out of PS. Case No.-12 Year-2024 Thana- BABUBARHI District- Madhubani

Manjula Devi Wife of Ajay Paswan @ Tara Paswan Resident of village -
Kulhariya, P.S.- Babubarhi, P.O.- Kulhariya, Dist.- Madhubani, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends her arrest in a case registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code as well as Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

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 10 litres of liquor from house of the petitioner and 8 litres of liuqor from house of Malu Devi. It is next submitted that petitioner was not arrested 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 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 Chowkidar with whom her husband is on an inimical term. It is also submitted that Chowkidar falsely implicated the petitioner in order to coerce her husband into submission.

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

5. 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-bond in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Babubarhi P.S. Case No.12 of 2024, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.



7. It is made clear that the learned trial Court after accepting the provisional bail bond of the petitioner 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 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 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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