

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70759 of 2025

Arising Out of PS. Case No.-238 Year-2019 Thana- BAISI District- Purnia

Punam Sah @ Punam Saha @ Punam Sha D/O Kailash Sao R/O
Village/Mohalla- Farsara, Baidoria, Dalkhola, P.S- Dalkhola, Distt.- Uttar
Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Senior Advocate
Mr. Arvind Kumar, Advocate
Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-11-2025 Heard Mr. N.K. Agrawal, learned Senior Advocate

assisted by Mr. Arvind Kumar 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 and 273 of the

Indian Penal Code as well as Sections 30(A), 33, 41 and 47 of

the Bihar Prohibition and Excise Act, 2016.

3. Learned Senior Counsel for the petitioner submits

that petitioner has antecedent of two cases and is a woman and

allegation is of recovery of 16,000 litres of spirit from two

trucks.

4. Learned Senior Counsel for the petitioner submits



that petitioner was not apprehended from the spot, as such, nothing was recovered from her conscious possession and is not the owner of any of the seized vehicles. It is also submitted that petitioner is not named in the FIR and four accused persons were arrested. It is next submitted that during the course of investigation, one Murshid was also arrested who, in his confession, implicated the petitioner. It is next submitted that confessional statement in police custody does not have any evidentiary value. It is also submitted that petitioner is a government employee and is posted as a Lady Civic Volunteer 165 in Dalkhola GRPS under Government of West Bengal since 2013. It is next submitted that in similar manner, the petitioner was earlier also implicated in two cases. It is further submitted that petitioner will not abscond rather will co-operate in the investigation to prove her innocence. 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.

5. Learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned Senior Counsel for the petitioner, let 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 anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten 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 Baisi P.S. Case No.238 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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