

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5494 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- Gidhaur District- Jamui

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1. Babita Devi W/O Manu Manjhi R/O Village- Nichli sewa Mushari PS - Gidhaur District- Jamui
 2. Jugal Manjhi @ Yugal Manjhi S/O Late Digan Manjhi @ Dogan Manjhi R/O Village- Nichli sewa Mushari PS - Gidhaur District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj, Adv

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 19-02-2025 1. At the outset, it is submitted that petitioner no. 2 namely Jugal Manjhi @ Yugal Manjhi was arrested during the pendency of present anticipatory bail petition and therefore, same becomes infructuous regarding him.
2. Considering the submissions anticipatory bail of petitioner no. 2 namely Jugal Manjhi @ Yugal Manjhi stands dismissed being infructuous.
3. Now this petition survives only against petitioner no. 1 namely Babita Devi.
4. The accused/petitioner is named in the F.I.R. and apprehended her arrest in connection with Gidhaur P.S. Case



No. 142 of 2024 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

5. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 14 litres of IMFL/country made liquor.

6. Learned counsel appearing on behalf of the petitioner submitted that the recovery of illicit liquor appears to be recovered from the house of petitioner no. 1 namely Babita Devi, which is occupied by different adult family members including male members and therefore, it can be said safely that alleged recovery was not said to be made from the conscious physical possession of this petitioner. It is pointed out that mandatory provisions regarding search of premises under Section 103(4) of the BNSS not appears to be followed in the present case making entire implication doubtful. While concluding the argument it is submitted that petitioner no. 1 is a lady of clean antecedent.

7. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.



8. In view of the facts and circumstances and by taking note of the fact as recovery of illicit liquor not appears to be made prima facie from the conscious physical possession of petitioner no. 1, accordingly the petitioner no. 1 in the event of her arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Excise Court-I, Jamui/concerned trial court where the case is pending in connection with Gidhaur P.S. Case No. 142 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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