

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8422 of 2025

Arising Out of PS. Case No.-445 Year-2024 Thana- KONCH District- Gaya

Manma Devi @ Manwa Devi Wife of Late Chandarik Das Resident of Village
- Rauna, P.S. - Konch, District - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending her arrest in connection with Konch P.S. Case No. 445 of 2024 registered for the offences punishable under Sections 30(C)(D) of the Bihar Prohibition & Excise Amendment Act, 2016. She has no criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioner is to have in possession of 450 litres of Jawa Mahua which was stored for making of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that aforesaid illicit liquor appears to be recovered from the joint house of this petitioner, which is occupied by other adult family members. It is pointed out that search of premises not



appears to be followed according to mandatory provisions of law as available under section 103(4) of the B.N.S.S. It is submitted that in case of non-compliance of this provision, entire search and seizure appears doubtful, however, she has got no criminal antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be recovered from conscious physical possession of this petitioner, accordingly, above-named petitioner, who is a lady of clean antecedent, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-IV, Gaya/concerned court in connection with Konch P.S. Case No. 445 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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