

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9443 of 2025

Arising Out of PS. Case No.-300 Year-2022 Thana- PATLIPUTRA District- Patna

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Sushila Devi Wife of Sudhir Mahto @ Sunil Mahto Resident of Mohalla -
Gosaitola, P.S. - Patliputra, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Patliputra P.S. Case No. 300 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 98 litres of IMFL/country made liquor

4. It is submitted by learned counsel for the petitioner that the name of the petitioner transpired on



the basis of secret information of police that some liquor was kept in her hut. It is submitted that the compliance of Section 100(4) of Cr.P.C./ 103(4) of BNSS not appears to be followed in present case, which makes entire recovery doubtful from conscious physical possession of this petitioner. It is submitted that the hut in issue also appears to be occupied by other adult members of the family, which further makes the recovery doubtful from the conscious physical possession of this petitioner. While concluding arguments, it is submitted that petitioner found involved in one more criminal case of similar nature where she is on bail.

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact as recovery of illicit liquor *prima-facie* appears doubtful from conscious physical possession of this petitioner, who is a lady accordingly petitioner above-named, in the event of her arrest or surrender before the court below within a period



of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act 1st, Patna/concerned Court, where the case is pending in connection with Patliputra P.S. Case No. 300 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS. With further conditions:-

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

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