

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14046 of 2025

Arising Out of PS. Case No.-131 Year-2021 Thana- MALSALAMI District- Patna

Baby Devi, Wife of Badri Manjhi, Resident of Manshoorganj, P.S.-
Malsalami, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Harish Kumar, Advocate
For the State : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending her arrest,
in connection with Malsalami P.S. Case No. 131 of 2021, dated
19.03.2021, registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

3. As per allegation, 50 liter illicit liquor has been
recovered from the backyard of the house of the petitioner.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that the place of recovery is open
space, accessible to public. He further submits that there is no
recovery from the conscious possession of the petitioner nor she



is any way connected with the recovered contraband. He also submits that the name of the petitioner has been dragged in this case on the basis of suspicion without any cogent evidence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of her arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City, in connection with Malsalami P.S. Case No. 131 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing her and getting satisfied that the petitioner has concealed her criminal antecedents despite her knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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