

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16480 of 2025

Arising Out of PS. Case No.-382 Year-2016 Thana- Excise P.S. District- Gaya

Babita Devi @ Anita Devi wife of Munna Chaudhary Village- Gauspur
Amirganj PS- Gurua Dist -Gaya

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 16-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the recovery is of 5 liters of country made liquor from besides the house of the petitioner.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in the case on account of suspicion as the recovery has been made from besides the house of the petitioner. No recovery has been made from the physical and conscious possession of the petitioner rather there is recovery from an open land which is



accessible to all. There is no independent witness to the said seizure list and the petitioner has no criminal antecedent.

5. The application is opposed by the learned APP for the State.

6. Considering the above facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge No.-3, Gaya, in connection with Excise P.S. Case No. 382 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and and subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of



the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

Raj Ranjan/-

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