

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20561 of 2025

Arising Out of PS. Case No.-109 Year-2024 Thana- DHANGAI District- Gaya

Anita Devi Wife of Ajay Mandal @ Chherani Mandal @ Chheru Mandal, R/O
Village - Revda, P.S.- Dhangai, District – Gaya. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-04-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner is named in F.I.R. and
apprehending her arrest in connection with Dhangai P.S. Case No.
109 of 2024, registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 05 litres of IMFL/country made from the house.

4. Considering the submission and upon perusal of
record, it appears that recovery of illicit liquor appears to be made
from the joint house of the petitioner, which is occupied by other
adult members of the family and, therefore, *prima facie* denying
recovery of illicit liquor from conscious physical possession of the



petitioner. It also pointed out that compliance of Section 103(4) of BNSS regarding search of premises also not appears followed, making entire search of the premises doubtful. Petitioner is a man of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, who is a lady of clean antecedent, accordingly, above named petitioner, in the event of her arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 Exclusive Excise Court No. 03, Gaya/concerned Court, where the case is pending in connection with Dhangai P.S. Case No. 109 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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