

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26149 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- DOBHI District- Gaya

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Mina Devi W/O Baldev Manjhi @ Niraj Manji R/O Village- Angra Tola,
Karpuri Nagat, P.S- Dobhi, and Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyadarshi Pankaj Raj Anand, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-05-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends her arrest in connection with Dobhi P.S. Case No. 26 of 2025, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The police on a tip off trade of illicit wine conducted raid in the house of the petitioner and in course of search, 10 liters of *mahua* liquor was recovered.

4. Learned Advocate for the petitioner referring to the FIR contended that in fact the alleged recovery has been made from a joint family house, where various family members resides and, as such, the petitioner in no circumstances can be held accountable. The entire prosecution case falls to the ground



for the simple reason that had the recovery been made from the house of the petitioner, there would have been signature of any of the family members but surprisingly, the seizure list witnesses are none else but the police constable, which smacks *mala fide*. The petitioner is a lady, having fair antecedent, and she undertakes that she will fully co-operate in the investigation and in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint family house, coupled with the infirmities in the search and seizure and the petitioner is a lady; moreover, there is no apparent material which attract the provisions under Section 76 (2) of the Bihar Prohibition and Excise Act, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. V, Gaya in connection with Dobhi P.S. Case



No. 26 of 2025, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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