

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31432 of 2025

Arising Out of PS. Case No.-340 Year-2024 Thana- SONO District- Jamui

Kaushalya Devi, Wife of Late Kishori Pasi Resident of village - Gorwa
Matihama, Police Station - Sono, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-05-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends her arrest in connection
with Sono P.S. Case No. 340 of 2024, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

3. The police on a secret information raided the house
of the petitioner and in course of search, 5 litres of country
made liquor, kept in a gallon was recovered. Noticing the police
party, the petitioner succeeded in fleeing away.

4. Learned Advocate appearing on behalf of the
petitioner while refuting all the allegation primarily contended
that had the recovery been made from the house of the



petitioner, there would have been signature of any of the family members of the petitioner, but there is nothing like that and, as such, the entire prosecution case smacks *mala fide*. Moreover, there are various other infirmities in the search and seizure and no compliance of Section 103 and 105 of the Bharatiya Nagrik Suraksha Sanhita. The petitioner is a lady having fair antecedent and even if for the sake of argument it is accepted for a moment that the recovery has been made from the house of the petitioner, the same is a joint family house, where several persons reside and the petitioner being a lady, cannot be held accountable for the same.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the recovery of illicit wine from the house of the petitioner clearly bars the anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is lady and the alleged recovery has been made from a joint family house, coupled with the fair antecedent and the infirmities in the search and seizure as also the absence of materials attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, 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.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court – II, Jamui in connection with Sono P.S. Case No. 340 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik 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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