

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32560 of 2025

Arising Out of PS. Case No.-300 Year-2022 Thana- PATLIPUTRA District- Patna

Sushila Devi W/o Sudhir Mahto @ Sunil Mahto R/o L.C.T. Ghat, Mushahari,
P.S.- Patliputra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Minnatullah, Adv.
For the State : Ms. Sangeeta Sharma, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable u/s 30(a), 41(i) of the Bihar Prohibition & Excise Act, 2016.

3. The recovery of total 98 litres of country made liquor has been shown from the hut of the petitioner.

4. Learned counsel for the petitioner submits that the name of the petitioner has transpired in the present case merely on the basis of a secret information that some liquor was kept in her hut and as a matter of fact, the same is occupied by other members of the family also and hence, no liability can be fixed on the present petitioner. It is also submitted that the process of search and seizure also amounts to violation of the mandatory



provisions as there is no independent witness to the said seizure. It is next submitted that it is mentioned in the order rejecting bail that the petitioner has one criminal antecedent, but it is submitted on behalf of the petitioner that the same is an error of record and the correct position with regard to her criminal antecedent has been stated in para 3 of the bail application that she has no criminal antecedent. Further, it is submitted on behalf of the petitioner that she has been languishing in custody since 03.03.2025.

5. It has also been noticed by this Court that earlier the petitioner was granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 02.04.2025 on the above mentioned considerations, however, the petitioner had already been arrested on 03.03.2025. It is submitted on behalf of the petitioner that due to a communication gap, the said fact could not be brought to the notice of the Co-ordinate Bench of this Court and due to such reason, the order dated 02.04.2025 was passed in Cr. Misc. No. 9443 of 2025.

6. Learned APP for the State opposes the prayer for bail.

7. Taking into consideration the clean antecedent of the petitioner and also considering the fact that on merits, she had already been granted the privilege of anticipatory bail, the above



named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Patliputra P.S. Case No. 300 of 2022.

(Soni Shrivastava, J)

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