

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30965 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- PHENHARA District- East Champaran

Jaysiya Devi @ Jayal Siya Devi W/o Rakesh Sahni Resident of village-
Madhubani, P.S.- Phenhara, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-05-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends her arrest in connection with Phenhara P.S. Case No. 22 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is of involved in trafficking of illicit wine along with her father-in-law. The police conducted raid and recovered 50 liters of country made liquor from the house of co-accused Jadu Sahani.

4. Learned Advocate for the petitioner contended that only on account of the fact that the petitioner being daughter-in-law of co-accused Jadu Sahani, her name has been implicated in this case without there being any substantive material,



suggesting the complicity of the petitioner in crime. The petitioner is a lady, having fair antecedent, and save and except she being the family member of co-accused Jadu Sahani, there is no material. 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 witnesses are none else but the police personnel. There is no compliance of Sections 103 and 105 of the BNSS.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the entire recovery has been made from the house of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, especially, the fact that the petitioner happens to be daughter-in-law of co-accused Jadu Sahani, from whose house the entire recovery has been made, coupled with the fair antecedent and the infirmities in the search and seizure, as also the absence of materials which attracts 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 Special Excise Court No. - 3, East Champaran at Motihari in connection with Phenhara P.S. Case No. 22 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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