

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31154 of 2025

Arising Out of PS. Case No.-13 Year-2024 Thana- Roshna District- Katihar

Lakho Devi, W/o- Chandan Kumar Paswan, R/o- Joranga, PS- Roshna, Distt-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

2. The petitioner apprehends her arrest in connection
with Roshna P.S. Case No. 13 of 2024 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. The police on a tip-off trafficking of illicit wine
conducted raid and apprehended one Shiv Kumar Paswan @
Manish Paswan and on his disclosure the police raided his house
and recovered 40 lts. of country made wine.

4. Learned counsel for the petitioner contended that
the petitioner is none else but the *Bhabhi* (sister-in-law) of the
apprehended accused person and she has been made accused
without there being any material available on record, suggesting



her complicity in the crime. It is further contended that the petitioner is lady having no concern with the occurrence but only in order to wreak vengeance and mount pressure upon the entire family, the petitioner along with others have been made accused. There is no compliance of Sections 103 and 105 of the BNSS. Moreover, the witnesses are none else but the police personnel. Had the recovery been made from the house of the petitioner, there would have been signature of any family member(s), but the same is not present.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the recovery has been made from the house of the petitioner and, as such, the bar provided under Section 76(2) of the Excise Act, dis-entitles the petitioner for grant of anticipatory bail.

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 is a lady and sister-in-law (*Bhabhi*) of the apprehended accused person, coupled with infirmities in search and seizure and the absence of the materials which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the above named petitioner, be released on bail, in the event of her arrest or



surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Exclusive Excise Court No.2, Katihar in connection with Roshna P.S. Case No. 13 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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