

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33400 of 2025

Arising Out of PS. Case No.-554 Year-2024 Thana- BANIAPUR District- Saran

Manju Devi, W/o Late Arun Ram, R/V Baniyapur, P.S- Baniyapur, Dist.-
Saran

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner
and learned Additional Public Prosecutor for the
State.

2. The accused/petitioner is named in the
FIR and apprehending her arrest in connection with
Baniyapur P.S. Case No.554 of 2024 registered
under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. Allegation against the petitioner is to
engage in illegal trade/manufacturing of illicit
liquor, where there is recovery of 20 liters of
IMFL/country-made liquor.

4. It is submitted by learned counsel
appearing for the petitioner that alleged recovery



as per seizure list was made from back side of Punjab National Bank, which is an open place and accessible by general public. It is submitted that on the basis of suspicion as raised by local choukidar, the name of petitioner transpired in present case. It is submitted that the alleged recovery was not made from conscious physical possession of this petitioner. The petitioner is said to be involved in three more criminal cases of similar nature, where he is on bail and merely on the basis of aforesaid suspicion of criminal antecedent, the petitioner was implicated with present case also without having any incriminating material.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be recovered from conscious physical possession of this petitioner, rather from an open place, accordingly, the petitioner, above-named, in the event of her arrest or surrender in the court below within a period of



four weeks from today, is directed to be released 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 1st Exclusive Special Excise Court, Saran at Chapra in connection with Baniyapur P.S. Case No.554 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS with further condition:-

- (i) That petitioner shall not indulge in similar nature of cases till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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