

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32274 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- DHAKA District- East Champaran

Seema Devi W/o Krishna Sah R/o Village- Kharuha Hasanpur, P.S.- Kundwa
Chainpur, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Ms. Isha Mishra, Advocate Mr. Sumit Kumar Gupta
For the Opposite Party/s :		Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner is apprehending her arrest in connection with Dhaka P.S. Case No. 52 of 2025 registered for the alleged offences under Sections 317(5) of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the motorcycle of the informant was found to be used in transportation of illicit liquor and recovery of 81 litres of country made Nepali liquor was made from a sack loaded on the motorcycle. The said motorcycle was intercepted but the person who was riding the motorcycle fled away from the spot. At the same time another



motorcycle was also seized and from the said motorcycle 81 litres of country made Nepali liquor was recovered. The name of the petitioner transpired during investigation as the owner of one of the seized motorcycle.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has been named in this case only because she is the registered owner of the said motorcycle from which recovery of illicit liquor was made. The motorcycle of the petitioner was stolen on 04.02.2025 for which father-in-law of the petitioner lodged Kundwa Chainpur P.S. Case No. 35 of 2025. Petitioner has no concern with the seized liquor and she is no way involved in transportation of the illicit liquor. No offence under the provision of Bihar Prohibition and Excise Act is made out against the petitioner who is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and also considering the doubtful



nature of case against the petitioner coupled with her clean antecedent and possibility of false implication, let the petitioner named above, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.3, East Champaran, Motihari/ court concerned in connection with Dhaka P.S. Case No. 52 of 2025, subject to the condition laid down under section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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