

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33500 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- Excise P.S. District- Khagaria

VIVEKA DEVI WIFE OF KAILASH SAHNI R/o vill - Lal Darwaja, ward
no. 1, P.S.- Kotwali, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 34475 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- Excise P.S. District- Khagaria

Lalita Devi W/O Sikandar Sahni R/O Village- Belaganj, P.S- Gangaur, Distt.-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 35153 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- Excise P.S. District- Khagaria

Shabana W/O Sachin Kumar R/O Chandpura, Ward No.-4, P.S- Nimachand-
pura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 33500 of 2025)
For the Petitioner/s : Mr.Rahul Singh
For the Opposite Party/s : Mr.Shaheen Begum
(In CRIMINAL MISCELLANEOUS No. 34475 of 2025)
For the Petitioner/s : Mr.Rahul Singh
For the Opposite Party/s : Mr.Shaheen Begum
(In CRIMINAL MISCELLANEOUS No. 35153 of 2025)
For the Petitioner/s : Mr.Rahul Singh
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH



ORAL ORDER

2 26-05-2025 All these three criminal miscellaneous applications have arisen out of the same occurrence and as such, they have been heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners have prayed for bail in connection with Khagaria Excise P.S. Case No. 92 of 2025 registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

4. As per allegation in the FIR, on the alleged date of occurrence, 127 litres of beer and 148 litres of IMFL were recovered from last coach of the train (Hati Bazaar Express) kept hidden in vegetable sacks near the washroom inside the coach. Three lady accused persons were apprehended by the female constable on spot.

5. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Nothing has been recovered from conscious possession of the petitioners. Only on the



basis of suspicion, they have been arrested. There is no independent seizure list witness rather both the witnesses are police personnel. Under coercion, police has taken their signature on white paper and the same was later on manufactured as seizure list. Petitioner has no concern with the seized liquor. Petitioners are simply passengers in the train. Petitioner Viveka Devi has got no criminal antecedent whereas remaining each petitioners have one criminal antecedent. Moreover, petitioners are languishing in judicial custody since 26.3.2025.

6. Learned APP appearing for the State has opposed the prayer of Bail.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail **after framing of charge**. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-II, Khagaria in connection with Khagaria Excise P.S. Case No. 92 of 2025 with follow-



ing conditions:

(i) One of the bailors should be close relative of the petitioners.

(ii) Petitioners shall co-operate in the trial and shall be present on each and every fixed date and on their absence on two consecutive dates without sufficient reason, their bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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