

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34196 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- BHAGWANPUR District- Vaishali

Runa Devi wife of Sanjay Sahni Village- Wafapur Banthu PO -Satpura PS
-Bhagwanpur Distt -Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kumar Samarjeet Singh, Advocate
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending her arrest in connection with Bhagwanpur P.S. Case No. 85 of 2024 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code (274, 275/3(5) of BNS) and section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of 10 litres country made illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor was made from



the joint house of the petitioner, which is occupied by different adult family members. It is submitted that search of the premises was taken place by ignoring the mandatory provision of law as available under section 103(4) of the B.N.S.S., making the entire search and seizure baseless, therefore, it can be safely said that recovery of illicit liquor was not made from conscious physical possession of this petitioner, who claims to be a lady of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of this petitioner, who is a lady of clean antecedent, accordingly, above-named petitioner, in the event of her arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum- Additional District & Sessions Judge, Vaishali at



Hajipur, in connection with Bhagwanpur P.S. Case No. 85 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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