

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35168 of 2025

Arising Out of PS. Case No.-248 Year-2024 Thana- SAKURABAD District- Jehanabad

Pramila Devi W/o Sudama Manjhi R/o Gagankura, PS. Sakurabad, Distt.
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with Shakurabad P.S. Case No. 248 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, on the basis of secret information, informant alongwith police officials conducted raid at village *Gagankura*. On seeing the police, two ladies started fleeing away from the place of occurrence. Local villagers disclosed the name of petitioner and other who succeeded in fleeing away from the place of occurrence. Further, 20 litre Mahua liquor was recovered in front of the house of the petitioner and 10 litre Mahua liquor was also recovered outside



the house of co-accused Malaha Manjhi.

4. Learned counsel for the petitioner submits that the alleged recovery has been made from two places i.e. 20 litre Mahua liquor was recovered from road in front of the house of petitioner and 10 litre Mahua liquor was recovered from outside the house of co-accused Malaha Manjhi. He further submits the the place of recovery is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Learned counsel orally submits that petitioner is not in the exclusive possession of the place from where the alleged recovery has been made. Petitioner was not found at the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner being a lady having no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the



prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, petitioner being a lady having clean antecedent, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. 1, Jehanabad in connection with Shakurabad P.S. Case No. 248 of 2024, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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